



SIR GEORGE WILLIAMS UNIVERSITY

MONTREAL 107, CANADA

August 26th, 1969.

MEMORANDUM TO: Michael Sheldon,
Assistant to the Principal.

FROM: Michel Despland,
Assistant Dean (Curriculum),
Faculty of Arts.

Thank you for your record of the Anderson affair.

1. Professor George Lermer, not Arthur, was the author of SGWAT press release (p. 38).
2. Concerning p. 32 and the Adhoc group of faculty and students in the Mount Royal Hotel. The main criterion that served to establish the list of invitations was that of regular participation in routine committee work of the University. After the sessions began no new additions were welcomed. My rationale was that no work could be done if one had to start telling the story from the beginning again with every new arrival.
3. I think your analysis would be improved if you did not use so often the distinction between support of administration and the dissident faculty. One of the very important distinctions that emerged during the affair was between "good citizens" who had participated all along in the running of the University through their work in committees, and faculty members who suddenly wished to offer leadership in the crisis but had previously been unknown by very few of their colleagues outside their department since they had not been active in University or faculty affairs. These two groups did not perfectly overlap with the two groups previously mentioned and to which you refer most frequently.
4. For the sake of information it would be fair to state the elective nature of SGWAT and to indicate what proportion of the faculty is a member of it. On this point again it seems to me that too often you accept the language of the dissident to describe the forces in presence.

Michel Despland.

MD/nj

THE FIRST INVESTIGATION

Officially, the Anderson affair began on April 29, 1968 when a group of West Indian students informed Magnus Flynn, Dean of Students, that they were being discriminated against on racial grounds in the Biology Department. The discussion lasted about half an hour, but, since some of his visitors were not Biology students, Dean Flynn asked them to come back with other students who were more directly interested. This second meeting took place on May 1. In his evidence before the Hearing Committee, whose sessions began the following January, Dean Flynn stated that he was impressed by the students' sincerity and regarded their charges as extremely serious. However, such charges were primarily an academic matter and he told the students that they should be referred to the Dean of Science; he also suggested they document those dealing with both discrimination and academic matter. The students saw Dean Sam Madras on April 30.

It should be noted, however, that there had been some earlier intimation of the problem. According to Professor Anderson's chief demonstrator, an occasion for a possible accusation of racism came up the previous Christmas, when Anderson apparently told a West Indian student of Lebanese extraction called Astaphan that, "if he didn't watch out he would get no higher than a 'C'." But this remark was labelled racist only in February when three of Professor Anderson's later accusers complained to him about the low marks they, themselves, were getting in Zoology 431. At the same time it was suggested that Dr. A. Kennedy, another Biology Department professor, was also marking with racist bias.

Professor Anderson then had separate meetings with two complainants, Mervyn Philip and Douglas Mossop. "I thought that my discussions with them had been productive, in the sense that they had eliminated their belief that I was discriminating against them. However, it is quite evident that they were not productive. It was a serious mistake on my part to have attempted to cope with this situation on my own." Professor Anderson did not therefore mention the matter to Dr. F.C. MacLeod, the head of his department.

The students saw Dean Madras on April 30 and presented their various complaints to him. He did not ask them to identify themselves or draw up a list of their names. He took note of their complaints but, he has stated, he did not have them sign these notes, which were handed to Dr. MacLeod immediately after the meeting. The students have claimed that they did sign a document, and the absence of this signed document later served to justify a significant delay in summoning the Hearing Committee. However, Dean Madras told the Hearing Committee, he read out his notes to the students and they agreed that these more or less summed up what they wanted to say.

The bulk of the complaints dealt with academic inadequacies. The students criticized the quality and preparation of the lecturer, the course itself, the work of the demonstrators, the examinations and delay in releasing marks. They also took Professor Anderson to task for absenteeism; they claimed he had missed 15 lectures and in six periods movies were presented out of time and out of context. However, Professor Anderson has denied these accusations. So far as racial prejudice is concerned, the notes report: "No negro student gets above 'C' despite their obtaining higher grades in quarterly and mid-term. Failure rate, D, lab reports are all in the

same trend." In addition, the students claimed that a February IBM exam was marked in a biased way. And that Professor Anderson addressed white students by their first name, but used "Mr." for blacks.

The nature of Zoology 431 has some bearing on these accusations. Dr. MacLeod told the Hearing Committee that Professor Anderson had turned a very easy course into a demanding one. Further, it was a key course, even though not a prerequisite, for entry into medicine or dentistry. In addition, Professor Anderson based the course on molecular biology rather than any "premed" requirements, a fact reflected in the complaints about course content. Of the 48 students registered, 11 were black West Indians, a very high proportion for SGWU. Also significant could be the fact that three or four of the students had not taken the prerequisites.

Dean Madras immediately checked out the accusations with Dr. MacLeod, who maintained that West Indians had in fact received higher marks than 'C' from Professor Anderson, and there had been no racial discrimination in the February examination. As explained by Professor Anderson in his evidence to the Hearing Committee, in previous years a number of his non-white students had got better than 'C', but of 14 black West Indians he could identify only one who had. The February IBM exam had had 45 questions and a penalty clause for failure "to answer a question appropriately". The results were so low that he removed the penalty clause and also increased every paper by 10%. Since the black students were generally among the least successful, the 10% benefited them less than their fellows.

Dean Madras also arranged that Dr. MacLeod should have a number of papers from the final Zoology 431 examination, just completed, re-marked by Dr. Frank Abbott, another member of the department. Because Dr. Abbott was busy with his own students' work, he dealt with only seven papers, those of five of the complainants as well as two of top students, to be used as bench-marks. With one exception the marks he gave were lower than Anderson's. How much he knew about why he was asked to go over the papers remains somewhat obscure. He was not, he said, familiar with the names on the papers. He discussed some aspects of the examination with Anderson but, according to their evidence, neither can recollect a specific reference to any racial problem.

A meeting with the students was set up for May 5, and other discussions took place. Dean Flynn saw Professor Anderson and recommended to him that he should not have a SGWU representative or legal counsel with him at this meeting. To quote Anderson's testimony: "It would, he felt, give the students the impression that the faculty or the administration were massing forces against them." Dean Flynn also saw the students again, apparently trying to persuade them to take into account some personal problems facing Professor Anderson.

The May 5 meeting called by Dean Madras was attended by eight West Indian complainants: Ballantyne, Brown, Chow, Frederick, Goodin, John, Mossop, and Philip as well as by Dr. MacLeod, Professor Anderson, Dean Flynn, and Miss Joan Richardson, adviser

to overseas students. It should be noted that Oliver Chow (Chinese) and Mervyn Philip (Indian) did not sign the January 10, 1969 charge of racism which served as a basis for the hearings; all six blacks did sign. Miss Richardson took notes during the meeting but informally, not as a secretary. These were given to Dean Flynn, who sent them through the internal mail to Professor D.B. Clarke, then Acting Principal in the absence abroad of Principal R.C. Rae. They never arrived, and no copy had been kept. However, Dean Madras took his own notes, and on December 16 he sent a reconstruction of what had occurred to Professor Clarke, a document he had checked with members of the Biology Department, Dean Flynn and Miss Richardson, but not with any of the students. Dean Flynn has testified that Dean Madras read it to him over the phone and "it seemed to carry the tone" of the meeting. Miss Richardson has stated, however, that, while the points raised at the meeting were covered, "it did not get across generally the things that were raised." At its session of May 22, Dean Madras made his original notes available to the Hearing Committee.

The meeting lasted for several hours, estimates vary from three to five. It began with the racist complaints. In his testimony to the Hearing Committee, Dean Flynn said that he helped to turn the discussion to academic matters after the meeting had "gone round and round" on the racist charges. That did not mean, he explained, that the students felt the latter had been resolved, but they were willing to switch the focus of attention.

The marking problems were discussed. The complaints about absenteeism were amplified, with Kennedy Frederick providing specific dates. Professor Anderson made a general denial of these charges, which he later reiterated in detail to the Hearing Committee. The accusation that he called black students, as opposed to white, by their second name only was renewed. In his later explanation to the Hearing Committee Anderson pointed out that he did call two or three white students by their first names because he knew them personally; in the past he had also called blacks he knew personally by their first names. There was reference to his writing on Mossop's paper, "You have nowhere to go but up after this examination." Such a comment was held to be undesirable but could not be construed as racism. He was accused of having sought information from the Accounts Office about Wendell Goodin. On the contrary, the Accounts Office had asked him to have Goodin contact them about an unpaid bill. The question of lab reports being marked racially was touched upon but not apparently pursued very far, as the reports were marked by demonstrators.

In his evidence to the Hearing Committee Dean Flynn recalled some other topics. One black student contended a white could get lab equipment that he couldn't. And Kennedy Frederick claimed that in general white students got more attention in the labs. But when he brought this up during the academic part of the meeting Allen Brown told him to "cut it out".

Dr. MacLeod has testified that in answer to a question most of the blacks said they had already heard Anderson was a racist when they registered for the course, a claim also put forward in Kennedy Frederick's notes found in his briefcase after the fire in the computer centre. Brown, however, said he had not yet made up his mind, but this remark is suspect, for there is some evidence that he had spoken about the racist

nature of Anderson's course in the fall, commenting, "You'll only get nigger grades." (Testimony of Professor George Campbell.) However, this reflection of a widespread attitude could be an extrapolation from the general failure of blacks to do well at Zoology 431.

It appears to have been generally agreed that action was needed to deal with some serious academic inadequacies. In Dean Madras' notes there is the comment: "Began to feel there was real academic weakness". And action was in fact taken. Professor Anderson received strong statements of support from most of his students in the 1968-69 winter session.

There is some disagreement about the effectiveness of the meeting in dealing with the racial accusations, both the specific charges and the possibility that some of the academic failings could have led to a sense of discrimination. According to Dean Madras' evidence: "At the hearing the issues that had a racial discriminatory element were voiced, but were soon explained, and to my knowledge by witnessing of what happened at that meeting they were explained in such a way that when the questioner was invited to ask any further questions, there weren't any further questions." He also quoted Miss Richardson as saying, "Apparently it isn't a matter of racism, it is a matter of these academic problems." And his December 16 letter stated: "Everybody agreed that Professor Anderson should not be fired, that he should receive academic assistance."

Dean Flynn, however, noted that Professor Anderson said very little at the meeting, leaving the presentation of his case to Dean Madras and Professor MacLeod, and this was a later complaint of the black students, who maintained that Madras and MacLeod should have been impartial listeners and judges. They also claimed in a statement printed in "the georgian" of January 28, 1969, that Dean Madras remarked that, "After all a man is entitled to his prejudices" and, "After all Perry is not the worse one around here." They further held that Dr. MacLeod did not treat the matter seriously, and admitted afterwards he thought Professor Anderson was guilty. Dean Flynn stated that in his view there was very little communication between the students and Dean Madras and Dr. MacLeod, and "the students left wondering, not at all certain they had got their point across."

Flynn also said that when he asked the students whether they wanted Professor Anderson fired, one of them replied: "No, you have a structure here of people, we want to place the facts before you, and we will leave it to you to handle that. If you feel you don't have enough information we'd be pleased to provide more for you."

This remark may have referred to the examination paper story told by some of the complainants' supporters to the effect that when the paper was submitted by a West Indian Chinese it received two out of ten but resubmitted by a white Canadian it received nine.

On June 14 Dean Madras sent a memorandum to Dean Flynn, The Chronicle of Events, published in "Statements" of January 23, 1969, the first of four papers produced by an ad hoc committee of faculty and students, noted that it was sent in response to a phone request by Flynn. In his evidence Dean Madras comments that he wrote to Dean Flynn "largely because this was a student originated complaint". The memorandum admitted the need to improve laboratory and teaching. It also contained the following conclusion: "I am convinced that there is no substance to the charges of discrimination and racism levelled against Mr. Anderson. Every case cited of a change over in marking evaluation of an examination, or the calling of students by their last names instead of their first names can be explained as well within the margin of general experience and encounter between professor and student white or black."

Copies of this memorandum were sent to Professor Clarke, Dr. MacLeod, Professor Anderson and Miss Richardson, but not to the student complainants - either by Dean Madras or, subsequently, by Dean Flynn. In his evidence Madras stated: "I regarded this whole affair as a university wide problem, one that would afflict white students, and white faculty, and white administration as much as it would afflict black students, black faculty, and black administration. I did not feel therefore that once this matter was investigated that it was the black students alone that needed to be notified. If anything, the entire university should have been notified." He also stated: "The students were aware of the substance of this verdict because this verdict was more or less a reflection of the summing up statements at the end of the meeting." And he put forward the view that since there had been no formal complaint about racism, he should not be the first to bring it up in a formal document.

While Dean Flynn told the Hearing Committee he was not happy about the continuing attitude of the students, and even saw some danger in it, he felt the whole matter was an academic responsibility. He concurred, too, with Dean Madras' impression that the students did not expect to receive a formal report. Nevertheless, Dean Madras has said that two students left telephone numbers with him, and the claim was later made by the students that Madras had undertaken to inform them about his findings.

THE FINDINGS OF THE HEARING COMMITTEE

The Hearing Committee, which issued its report on June 30, 1969, came to the categorical conclusion that Professor Anderson "did not discriminate against students. Furthermore, there was nothing in the evidence to substantiate a general charge of racism."

It dealt in detail with six specific complaints.

Finding No. 1 was that, "Professor Anderson did not discriminate against black West Indian students in his grading." The report contains the following passage: "The evidence shows that, with one exception, black West Indian students did not in fact receive a final grade higher than C in Professor Anderson's courses. Furthermore, black West Indian students did perform more poorly as a group than other students in the 1967-68 class of Biology 431 conducted by Professor Anderson. Nevertheless, the Committee heard no evidence to suggest that this was because of discriminatory marking on Professor Anderson's part. On the contrary, testimony, course records, statistical studies and regrading of papers all suggested that he does not discriminate in his grading."

Finding No. 2 was that, "Professor Anderson did not discriminate in grading laboratory reports and did not influence his demonstrators to discriminate."

Finding No. 3 came to a similar conclusion about the grading of the IBM examination.

Finding No. 4 affirmed that, "Professor Anderson did not inquire, improperly or otherwise, into the private affairs of Mr. Wendell Goodin."

According to Finding No. 5, "Professor Anderson did not employ differential forms of address with racially discriminatory intent."

Finding No. 6 summarised that, "Professor Anderson did not act in a discriminatory way when he wrote certain critical remarks on the papers of some black West Indian students."

EVENTS LEADING TO DECEMBER 5

There were some indications during the summer and fall that the black students were not satisfied. Professor Chet Davis, a black professor who was in contact with them, conveyed this impression to Dean Flynn. Early in June Dean Flynn met Douglas Mossop, upset by his assumption that Professor Anderson had just been promoted even though accusations of academic incompetence had been accepted as well-founded. In fact, Professor Anderson had been promoted the year before, but his translation from Lecturer to Assistant Professor only now appeared in the new Announcement. Incidentally, this criticism was repeated on several occasions and never effectively answered.

At a meeting on January 10, 1969, Michael Sheldon, Assistant to the Principal, asked Frederick why it took the black students until late November to raise again their dissatisfaction. Frederick said that he had been in Montreal during the summer and had tried repeatedly to find out from the Faculty of Science what had happened, but had not received a satisfactory answer. After that the students were too busy with other matters. However, Professor Anderson recalled having had a discussion with Frederick in October at which he went over an examination paper that Frederick felt was unfairly marked, and also remarked that he had been cleared of the charge of racism. About the same time Rodney John, who registered again for Zoology 431, which he had failed, on being warned about the need to meet all the lab requirements, commented to Professor Anderson, "I see you haven't learned."

In his statement on his role in the Anderson affair, Dean Madras has written: "Whenever I met Mr. Frederick in the student cafeteria I would ask him if he would like to have a talk with me about matters in the Biology Department. He refused my invitation consistently. His reply was usually 'I will come to see you when I am good and ready', or some variation thereof."

It should be noted that a Black Writers Conference was held in Montreal on October 11-14 and a Hemisphere Conference to End the War in Vietnam at the end of November. Both these events led to a demonstration of Black Power aims and methods. And during the fall the rumour began to circulate that the black students would create trouble again in January. The senior demonstrator who testified linked this rumour specifically with a move to have Professor Anderson dismissed. However, both Professor Davis and Miss Richardson testified to a broader complaint of racist discrimination in the Biology Department rather than an attack on Professor Anderson, personally.

Dean Flynn relayed his unhappiness about the situation to Principal R.C. Rae as well as to Professor Clarke and Dr. John Smola, Vice-Principal Administration and Finance. Growing concern led him to ask Professor Davis to meet with himself and Miss Richardson on November 20. They recommended that a meeting be set up involving the two Vice-Principals, Dean Madras, Dean Flynn, two leaders of the black students, Errol Thomas and Leroy Butcher, Professor Davis and Professor Clarence Bayne, another black professor, and possibly other aware members of the university community. This proposal was submitted to Dr. Smola, who said that the matter should first be discussed at a meeting of the Vice-Principals, Dean Flynn and Dean Madras. Miss Richardson attempted to set up such a meeting, but was unable to do so, primarily because Dean Madras was unable to fit it into his schedule.

DECEMBER 5 AND DECEMBER 6

At about midday on December 5 Kennedy Frederick appeared in Dean Madras' office with the final examination he had written for Zoology 431 and asked Madras how he would deal with the first question on it. Dean Madras began to explain his approach, but Frederick then seized the paper from him, and for the better part of an hour proceeded to denounce the University, the Biology Department and Professor Anderson. According to Dean Madras, his attitude was that no white could really understand him in this racist society, and his first step in exposing the society must be to get Professor Anderson dismissed. Madras refused to contemplate dismissing Anderson or to remove him from his classes, and Frederick then stated he was going to see the Principal for this purpose.

Dean Madras did not inform anyone immediately of this encounter, and when Dr. Rae returned from lunch to his office at 2:00 p.m. he found five black students waiting for him; they had insisted on waiting in his office. They were joined shortly afterwards by a sixth associate. It is not certain whether the six were all original complainants against Professor Anderson.

The students proceeded to accuse the University of racism, referring particularly to Professor Anderson who, they claimed, they were going to "remove". They demanded that the Principal, who stated that he knew little or nothing of the affair, fire Professor Anderson immediately. Dr. Rae refused to do this but agreed to accompany them to Dr. MacLeod's office on the 12th floor of the Hall Building. Dr. MacLeod was not there but in Professor Anderson's office. Mr. Frederick found him and summoned him to come to the Principal. He did so, accompanied by Professor Anderson.

The Principal told the students that he would do nothing before consulting with SGWAUT and the appropriate officers of the University. It happened that SGWAUT Council was meeting in an adjoining room, and had just approved new "Procedures for Dealing with Complaints Against Faculty Members" for submission to University Council. It seemed to the Council that these procedures might serve as the basis for due process in investigating the charges against Professor Anderson, and Professors Michael Marsden and Taylor Buckner were delegated to bring them to the attention of the black complainants.

In the meanwhile Professor Davis and Leroy Butcher had appeared on the scene, and the Principal called in Professor Clarke, Dean Madras and Dean Flynn. At a meeting, which began at about 5 p.m., it was finally agreed that an investigating committee of five members should be set up.

The four names originally proposed as members were Professors Allan Adamson (Chairman), Abbott, Bayne and Davis. Professor Davis undertook to present the proposal and the names to the black students who were occupying Dr. MacLeod's office. He obtained their acceptance of the formation of a committee with the substitution of Professor P.K. Menon for Professor Abbott and the addition of Professor Marsden, changes which proved agreeable to Professor Anderson and the others. No formal record was kept of

the negotiations and there was no signed agreement by the participants either to the setting up of the committee or to its membership. It was decided, however, that in line with the proposed SGWAT procedures the committee had to be officially established as an investigating committee under the Council of the Faculty of Science, and arrangements were made to call an emergency meeting of the Council the following day. According to Dr. Rae's personal notes of the events, the students agreed to prepare charges in writing and he went with Professor Davis to present to them the final composition of the committee. Also, "As per students' request, through Professor Davis, I apologized for keeping them waiting for so long due to time it took to get due University process operating."

As it was originally intended to follow very closely the SGWAT procedures, a preliminary investigating committee of Professors Buckner, Davis and Marsden was established. In a memorandum to Dean Madras dated December 12, they gave their opinion that:

- "1. The students involved in the events of last Thursday night clearly believe they have a case.
 2. A previous examination of the case was not apparently dealt with in a satisfactory manner.
 3. The case has gone so far and the accusations are widely enough known that, in the best interests of the University, there is a need to examine the facts and either meet the complaints of the students or clear the professor involved."
- They therefore recommended that a Hearing Committee be formed.

To quote a memorandum of December 10, signed by Professor Clarke: "Professor Anderson requested that he be relieved of teaching duties pending an official hearing of these accusations. When written copies of these charges have been received from those students, a Hearing Committee will be appointed according to due process, and the matter will be thoroughly investigated. Until such a committee has brought in its verdict, Professor Anderson has asked that he not be required to meet his classes."

There has, however, been some questioning of the voluntary nature of Professor Anderson's cooperation or acquiescence. An article in the Gazette of February 22, signed by Brian Stewart and Andrew Geller, contains the following passage: "Another disturbing area of 'compromise' was the circumstances under which Anderson 'agreed' to the Hearing Committee and voluntarily suspended himself. "The official version is that both Anderson and the black students were offered the committee simultaneously. In fact, there is evidence to suggest that Anderson had scant choice in the matter. "Anderson himself insists the students had already agreed by the time he was consulted; that he was presented with a 'fait accompli'; and that it was made clear the situation was so explosive that his refusal would provoke an ugly incident....

"When I went to that meeting the first question put to me was will you relieve yourself of your duties? Only later was I told the individuals involved were

setting up an enquiry - I had nothing to say about this and it was underway at the time I arrived, he claims.

"Nor was it made clear to Anderson that he would be facing the same accusations which had been lodged against him in the Spring. He first believed that he was facing new charges and it was not until a week later that he learned he stood in double jeopardy."

Dr. MacLeod had in fact told Professor Anderson before the students arrived about Frederick's descent that morning on Dean Madras, and he was present at the beginning of this new confrontation. However, he would have learnt only later of the University repudiation of Dean Madras' original judgment. The assumed ~~time-element~~ may well have had an important influence on several decisions. Clearly, it was believed on December 5 that the students, acting in good faith, would quickly produce their charges in writing, and the Hearing Committee could get to work in the very near future. In fact, ⁱⁿ some unofficial minutes of the Science Faculty Council of the following day Professor Adamson is quoted as stating that "he expected the work of the committee to be over by next Friday, December 13th."

* timing of any
hearing

The Science Faculty Council on December 6 passed by 9 votes to 5 the following resolution: "That Science Faculty Council approve the Faculty Committee of Professors Adamson, Chairman; Bayne; Davis; Marsden and Menon with the proviso that it begin to function as an investigating committee only on receipt of charges with a specified time limit which it will set."

Extracts from the minutes indicate the strong views of some members:

"Great concern was expressed about the procedure of striking the committee before charges were laid as a retrograde anti-democratic step.

"The question was asked about the rights of the faculty member in the event that the charge of racism is thrown out.

"What retribution will the students of Professor Anderson's class have in the event that the disruption of classes was baseless.

"It was stressed that students should be made aware that they are liable for a libel charge...

"The point was made that the conduct of Mr. Frederick: in threatening the person of Professor Anderson, in demanding his dismissal, in creating conditions which warranted Mr. Anderson's request to be relieved of duties, in shouting obscenities at various officers of the University, called for legal and disciplinary counter-action by the University."

On December 9, the five members of the committee wrote a letter to Professor Clarke, who had been appointed by Dr. Rae to take charge of the situation, asking for his acceptance of the following statement of their position:

"Since there are no precedents, we find ourselves involved not only in deciding on the validity of a complaint but also in arbitrating the means by which that complaint shall be brought to review. All members of the committee accept these responsibilities with a sense that, however disagreeable they may be, they are necessary in the best interests of the University. However, now that the impl-

ications of the investigation and, in particular, the profound influence that any recommendations may have on the University, have become clearer, we wish to be assured that the formation of this committee and its activities in so far as they bear on the resolution of this particular case have the full backing and confidence of the administration, in particular the offices of the Vice-Principal (Academic) and the Principal."

This was acknowledged in a letter from Professor Clarke, dated December 10, assuring Professor Adamson that the committee had his "full backing and confidence."

THE REST OF DECEMBER

It is clear that a number of Science Faculty members were unhappy about the handling of the renewed accusations against Professor Anderson, and another emergency meeting of the Science Faculty Council was scheduled for December 12. Seven members of the Council had presented a petition to Dean Madras making it mandatory to convene such a meeting. To quote Dean Madras, "It was suggested that it be held on the next day, Thursday, December 12 in the hope that it might generate the necessary injunction against the departure of Mr. Frederick for Granada (for Christmas) so that he shall assist in the drawing up of charges, and participate in a hearing, to be held over the Christmas holidays, if need be." Also, Dean Madras, himself issued a strongly worded memorandum to the Faculty Council, dated December 12. It noted the absence of any written charges and included the following passage:

"The fact that a member of faculty has asked to be relieved of his duties on the one hand, while, on the other, the individual student who precipitated the crisis still attends classes, and incidentally, asks for and has been granted permission to write specially set examinations to accomodate him in the intention to return to the West Indies for the holiday, has shocked faculty and students alike. But even more grave is its portent for the University. Apprehension is being felt more and more that by passing the resolution of last week in good faith, on the axiomatic assumption that charges would be laid in a few days, and an investigating committee would start its work immediately, Science Faculty Council, one of the official legislative bodies of the University, will have set a precedent whereby any individual anywhere in the University, on any pretext, can raise the cry of racism; whereupon a professor, a librarian, a cloakroom attendant, is asked to be relieved of duties while his accusers go free to take their time about setting down the charges.

"Obviously, the problem is beyond the scope of the Biology Department or the Faculty of Science. It is a matter for the entire University. Science Faculty members have voiced their concern that the University is not fully aware of the issues of this case. Even the letter from the Vice-Principal to the University does not cover all the menacing implications of this case: that the University can be brought to a halt on the say-so of an individual.

"It is hereby recommended that a memorandum such as this one forwarded to the Vice-Principal as Chairman of University Council with a request that he take whatever action is feasible to communicate our feelings to the University as a whole."

The statement of the black students' position published in "the georgian" of January 28, 1969 contains the following comment:

"The purpose of this meeting, we later discovered, was to disband the legal committee set up by the Acting-Principal Douglass Burns Clarke and take punitive measures against the black students involved."

was considered It ~~considered~~ to turn the meeting of Science Faculty Council into an open meeting. and has been alleged that some white students, but not black students, were then invited to attend. An article by Professors Davis and Bayne in "Statement"

of February 10 quotes Dr. MacLeod as stating that he and Dean Madras thought the meeting would be of interest to Physiology students. "He then instructed an assistant to pull several cards from the student file and call the students informing them of the meeting and asking them to call other students. Apparently, no cards of Black students were pulled, nor did any White student call any Black student. The Black students involved in the case who were no longer in Physiology, later informed Professor Davis that they were not notified." Nevertheless, two white students informed Professor Davis at a lecture he was attending in H-110, the main auditorium, where many black students were also present, that the meeting was beginning in H-762, and the room was full of white students but no blacks were present. Professor Davis went upstairs with them to the Council meeting, and at the end of the lecture a number of black students followed.

After calling the meeting to order, Dean Madras explained that, though it was an open meeting, non-Council members did not have the right to speak. He then began to read his informal minutes of the December 6 meeting, but was frequently interrupted and abused, notably by Kennedy Frederick. The meeting finally broke up in disorder.

On December 12, Dr. Rae submitted his resignation as Principal to the Board of Governors. In a statement released on December 18, he explained: "The decision to resign was taken when I no longer felt able - physically or mentally - to respond effectively to the numerous pressures and demands placed on me. While the decision to submit my resignation was made quickly, I had, for a long time, been considering taking this action." On Dr. Rae's resignation, Professor Clarke became Acting Principal and Dr. J.W. O'Brien, who had been Dean of Arts, was named Vice-Principal Academic.

On December 13 and 16, Professor Clarke, accompanied by David Schwartz, the University lawyer, met three representatives of the black students, and informed them of the need to produce written charges. At the second meeting the students claimed that the complainants had in fact dictated their charges to Dean Madras on April 30, and had signed the document he wrote out. It was therefore agreed that Dean Madras would be given until January 3, 1969, to produce these written and signed charges, and, if he did not, the students would themselves produce charges in writing by January 11. As recorded above, Dean Madras has affirmed that no such signed document ever existed, only the handwritten notes he took of the meeting; these notes he now produced. The late date given for the production of written charges was due to the coming intervention of the Christmas holidays, which two of the complainants were planning to spend in the West Indies.

At the December 16 meeting the students were informed verbally that they could be represented by legal counsel and the University would meet the cost. However, this was not put into writing, although a letter to the same effect was sent to Professor Anderson.

On December 13, Professor Clarke and Mr. Schwartz held a meeting with Professor Anderson and his lawyer, Professor Noel Lyon, of McGill University. On December 13, Professor Lyon wrote to Professor Clarke protesting on behalf of his client the intention of the University to hold another hearing. He also called for a public statement that Professor Anderson had been cleared by a senior officer of the University, acting under proper authority, of all charges of racism and academic incompetence, and would be resuming his full academic duties in the spring term. On December 19, Professor Clarke answered this letter, stating that the University considered a formal hearing was necessary in order to maintain academic freedom and render justice. Referring to Professor Anderson's desire to return to class, he stated: "I would still recommend that for his own sake, as well as for the sake of the University, he should voluntarily abstain himself from classes until the results of the hearing are given. I, however, reiterate that the University has in no sense suspended him from his teaching duties."

RETURN IN JANUARY

There was little press or public awareness of events at SGWU during December. Professor Clarke's December 10 statement regarding the establishment of a hearing committee and the voluntarily withdrawal from classes of Professor Anderson was published. Also, some attention was paid to Dr. Rae's resignation and to his letter of explanation. Bert Cannings of CFCF-TV in one of his nightly editorial commentaries stated: "Should those black students who have accused Professor Anderson of practising racial discrimination fail to establish a case, or rather, fail to have him proven guilty, they should be deported from the country." This aroused the ire of the complainants and their supporters, who maintained the University should have protested.

On January 6, four days after the term began, Professor Anderson made known his intention to return to his classes. They had not had any instructor in his absence; the Biology Department had been asked to find a replacement, but had apparently been unable to do so. Rumours were immediately current both that the black students would try to prevent his return and that white students would oppose any black activity. At the same time Professor Anderson made it known to Dr. O'Brien through an intermediary that he would reconsider his decision if he received a satisfactory letter from the administration asking him not to return.

It was in these circumstances that Dr. O'Brien signed the following letter: "This will confirm that you are a member of the teaching staff of Sir George Williams University in full standing and as such you are entitled to teach your classes. The first lecture for the 1969 session is this evening at 6.15 p.m. and, of course, you are perfectly at liberty to give said lecture and those that follow. However, you are aware of the potential difficulties that may arise, including the risk of violence, and which latter situation we all wish to avoid. We would consider that you consider very seriously, in view of this possibility, that your lecturing be temporarily suspended. Be it clearly understood that this decision is entirely up to you and, should you decide to suspend your lectures, this decision will in no way affect your academic position."

This letter was delivered to Professor Anderson shortly before he was due to go into class, and he decided not to. Subsequently, the Department of Biology made internal arrangements to cover Professor Anderson's classes.

On January 10, Professor Marsden wrote to Dean Madras to announce his resignation from the Hearing Committee. He pointed out in this letter: "The structure of the Sir George Williams Association of University Teachers, of which I am president, is such that my presence would not prejudice Professor Anderson's possibility of using the Association for further defence if necessary. "However, it has become increasingly obvious that the case has implications going well beyond the examination of a charge against an individual. The matter may set a series of Canadian precedents and there are a number of associated

problems within this University. It has become clear to me that I can best serve the aims of those who wish to resolve the matter by functioning in my role as president of SGWAUT and beginning immediately a review and definition of such matters as the responsibilities of faculty, forms of prejudice and the role of the administration in such affairs utilising the resources available through the Canadian Association of University Teachers, etc. I cannot do this while serving with a hearing committee and I must therefore resign from that committee. My principal aim is to further secure the base of operation for that committee."

Professor Marsden added in an underlined passage: "It is my earnest request that a replacement, if a replacement is to be found, should be acceptable to the students and to Professor Anderson in the spirit of the original agreement of December 5."

Another event that took place on January 10 was the presentation to Professor Clarke by a group of black students and supporters of a written charge against Professor Anderson. They had been informed through a letter of Professor Clarke, dated January 2, that: "Dr. Madras has given me notes which he took on the occasion of your interview with him last April, but he claims there is no signed copy of these notes and these notes do not constitute formal charges against Professor Anderson." Professor Clarke was accompanied by Mr. Sheldon.

The charge, which was signed by six of the original eight complainants, the six black West Indians, simply accused Professor Anderson of racism. It had been expected that the charges would be specific, but they took the position that all that was required was a statement of accusation; their specific complaints should be regarded as evidence, not part of the charge. If they presented them in advance of the hearing, this would merely make it easy for Professor Anderson to put together his defence. At the end of a rather lengthy meeting, which ranged over a variety of related topics, Professor Clarke stated that he would forward the document to the Hearing Committee, and Professor Adamson would discuss with them whether a hearing could in fact proceed on this basis.

Some of the group were excitable and angry. Others counselled calm and reason. In general they treated the Acting Principal courteously. One subject of considerable debate was the right to legal counsel. Most of the students took the position that the whole affair was an internal University matter, and no outsider, even a lawyer, should be allowed to be present. They had, themselves, not communicated with the press; if lawyers were present the press should be there too. Professor Clarke personally agreed that, even if lawyers acted as advisers to the two parties, they should not be allowed to speak on their behalf. (The lawyer to the Committee, Harvey Yarosky, subsequently maintained that this position was untenable; if lawyers were involved in the hearing, they must have the right to speak and cross-examine.)

In any case, one of the spokesmen of the group during a further discussion of procedures told Professor Clarke that he was 'ultra vires'; only the committee had the right to establish its own procedures. However, ^{the} students did indicate they expected the hearing to be of quite short duration.

The existing tribunal - nobody present knew of Professor Marsden's resignation - was accepted by the students, but, it now appeared, unwillingly. They said it was wrong that it be composed entirely of professors, who would be prejudiced in favour of a colleague. Further proof of their acceptance of the committee was a discussion of the witnesses they intended to call. They seemed to regard Miss Richardson as a very important witness, and suggested that her absence from the country on vacation was not entirely fortuitous. Terrance Ballantyne said he had a key witness of his own, but would not reveal the name.

They justified their belief that they were not being treated honestly with what they described as the attempt to bring Professor Anderson back to his classes before the hearings had been completed. They also brought up the fact that at the original hearing Dr. MacLeod, rather than Professor Anderson, answered their charges. And they further claimed that the Anderson case was merely a flagrant example of general racism, accusing the Instructional Media Office of turning down requests for equipment for black students, and the Dean of Students of once saying that, if the blacks went on agitating, the number of West Indian students admitted would be reduced. This, they said, had occurred.

(Later investigation showed that the first accusation probably related to an occasion when a black student sought use of audio-visual equipment and an operator for a meeting on the Hall Building Mezzanine, the centre of student activity, at very short notice, and no operator was available. Dean Flynn does not deny making the comment he was charged with during an earlier disturbance. However, a statistical study has shown a rising proportion of acceptances of West Indian applicants.)

The apparent promotion of Professor Anderson after the Madras hearing was another source of indignation. Professor Clarke, who was apparently not in possession of the facts, said that the promotion had been decided, and Professor Anderson had been informed of it, before the charges were laid.

The students clearly believed that Professor Anderson would be suspended or dismissed if the committee found against him. And they stated that they were prepared to accept university sanctions against themselves if the decision went the other way. Professor Clarke emphasized that no action would be taken against students who had acted in good faith.

Administration acceptance that the signed charge as received was sufficient to warrant the holding of a hearing committee is implicit in a letter from Prof-

essor Clarke to Professor Adamson, dated January 15. Professor Clarke wrote: "Since signed charges have now been laid before the committee, I would ask the committee to investigate these charges and on the basis of its investigations and hearings to make recommendations to the University."

The letter also referred to Professor Marsden's resignation, adding: "As there will be no Science Council meeting until February and it is imperative that these hearings be held as soon as possible, I will approve of a replacement for Professor Marsden nominated by the committee and acceptable to both parties involved."

On the same day Dr. O'Brien wrote to Professor Anderson and to the six students - separate letters sent care of Mr. Ballantyne. The letters stated that the committee had met and proposed that Professor Fred H. Knelman replace Professor Marsden. He asked them to let him know by January 20 whether the change was acceptable. Professor Anderson signified his acceptance; no reply was received from the black students.

MEMBERSHIP OF THE COMMITTEE

This was the beginning of a series of critical confrontations and decisions concerning primarily the membership of the committee though a number of related issues also arose. Administration policy was guided by the belief that it was essential the Committee begin its hearings as soon as possible. Agitation by the black students and their supporters, black and white, was making the atmosphere increasingly uncomfortable, and it was clearly most desirable to end Professor Anderson's residence in academic limbo.

As noted above, the black students did not answer Dr. O'Brien's letter. However, four students, including two of the complainants, visited Professor Adamson on January 16, and presented him with five conditions which, they stated, should govern the hearings. These conditions, which they indicated were non-negotiable, were covered by a handwritten note. They read as follows: "1. Hearing set for Next Sunday, January 26th. 2. Mr. Leo Bertley to replace Mr. Marsden. 3. An open hearing. 4. Decision must be given within one day. 5. To have at the hearing Dean Madras, Dean Flynn, Miss Joan Richardson."

The first hearing was in fact held on January 26. However, Professor Adamson - according to a letter written on January 20 to Professor Clarke - informed the students that he could not commit the other members to any of these demands, and some of them, even if empowered to do so, he could not assent to; Mr. Leo Bertley was a student, and it would obviously be impossible to render a decision within one day. Finally, he informed the students he would try to set up a meeting the following day between themselves, the Committee, Professor Clarke and Professor Anderson to discuss procedures and the date of the first hearing.

Another, larger group of students appeared in Professor Adamson's office on January 17, and handed him another note of what they now definitely stated were non-negotiable conditions. This note read as follows: "To Mr. Adamson. From Black Students. 1. Leo Bertley is on the Committee. 2. The hearing is set for 2 p.m. on Sunday January 26th. Find a big room. 3. The hearing will be open. 4. Dean Flynn, Dean Madras, Joan Richardson, Dr. McLeod present. 5. Judgement on the same day."

In his letter to Professor Clarke, Professor Adamson comments: "Furthermore, the students had now changed their minds about the meeting agreed to on Thursday evening. These conditions, they said, could either be met by the Committee or forwarded to you."

This version of what occurred appeared in the Chronicle of Events, published in "Statement" of January 28. "Statement" issued on February 10 carried a critique of the chronicle by Professors Bayne and Davis, giving the students' account of the events of these two days.

On January 16, they said, Professor Adamson put forward the name of Professor Knelman. The students said they did not know Professor Knelman and proposed instead Leo Bertley. "Professor Adamson then said he knew Leo personally and he was an honourable gentleman, but his appointment to the Hearing Committee would not be in the students' best interest." (Bertley, a SGWU alumnus and a high school teacher, was not a member of the faculty and was well known to hold strong black nationalist views. According to policy at this stage of development the Committee was to be composed of faculty with the members be acceptable to both parties.)

According to Professors Bayne and Davis, Professor Adamson then said he had no power to make changes in the Committee. The students replied that Professor Clarke had told them the power in the Committee was vested in the Chairman. "The students then began to feel that no one had any power." (The reference to Professor Clarke presumably relates to the agreement on January 10 that the Committee was responsible for its own procedures. However, it should be noted that Dr. O'Brien's letter of January 15 asked Mr. Ballantyne to "let me know" whether the appointment of Professor Knelman was acceptable. And it was quite likely this letter which sparked the demand that Mr. Bertley replace Professor Marsden.)

The Bayne and Davis account also stated that the students asked for the joint meeting referred to above, which the note of five conditions was "a list of items for discussion at that meeting."

It described the events on January 17 as follows: The students arrived at Professor Adamson's office at about 3.50 p.m. and went in to wait for him. At 4.00 p.m. they called both Professor Clarke and Mr. Sheldon, and were told they were out of town. (They were attending a meeting of the Quebec Principals and Rectors at Bishop's University. Professor Adamson was in fact looking for the students to tell them the meeting could not take place till January 20 for this reason.) The students then called both Dr. MacLeod and Professor Anderson and were told they were at meetings. At 4.20 p.m. they went to Dr. MacLeod's office where the secretary said he had not yet returned. However, they opened the door and found Dr. MacLeod and Professors Anderson, Abbott and Kennedy inside. They returned to Professor Adamson's meeting and began to write down their demands in their new form.

Professor Adamson's letter to Professor Clarke reported that the committee met on January 19 to consider the situation. Professor Davis was absent but, Professor Adamson states, he was informed subsequently of its decision and agreed to it in toto. This decision was that the committee could not allow either party to the dispute to dictate the conditions under which the hearings would proceed. Further, the committee had failed to secure the agreement of both parties to Professor Knelman's appointment, and could not continue to negotiate over this matter. It therefore felt that either Professor Clarke or Dr. O'Brien should assume responsibility for finding and appointing the fifth member.

However despite its failure to secure agreement about Professor Knelman's appointment, the Committee continued to try to win the acceptance of both sides to the procedures to be followed. And, indeed, on January 20 the membership problem was temporarily solved. At Professor Marsden's request, SGWALT Council voted to relieve him of his executive duties and responsibilities in any matter connected with the Anderson case. He could thus withdraw a resignation which the Committee had never formally accepted.

The activities of the Committee on January 20 are outlined in a letter from Professor Adamson to Professor Clarke, dated January 23 but apparently written on January 21. The Committee arranged to meet Professor Anderson at 2 p.m., and asked the students to a meeting at 4:30 p.m. Professor Davis informed Kennedy Frederick of this meeting on the evening of January 19, and on the morning of January 20 a letter was delivered by hand to three of the six students. The other three could not be located, so their letters were left in the office of the Caribbean Students Association. They were asked to telephone Professor Adamson's local if the time was inconvenient.

Professor Anderson and Professor Lyon met the Committee, and there was an agreement on the following points, as well as on certain procedural matters: 1) Professor Marsden would rejoin the Committee; 2) Hearings would begin at 9:00 a.m. ^{Sunday} on January 26. (There had been talk previously of holding the hearings at 2 p.m., but it was felt better to work throughout a full day, rather than possibly carry on late in the evening) 3) There would be an open meeting. If order could not be maintained, the hearing would be carried over closed circuit television. The students, however, did not appear for their meeting, or communicate in any way with the Committee, and therefore a new letter was despatched to them, proposing a meeting at 4 p.m. on January 21.

Three students attended this time, while two others telephoned their regret at being unable to do so. This encounter ended with the students walking out in vociferous disagreement. Notably, they would not accept Professor Anderson's right to be represented by legal counsel, which was in fact strongly defended by Professors Bayne and Davis. In their review of the Chronicle of Events, Professors Bayne and Davis add another significant incident. At one point, the students asked Professor Adamson to call Professor Anderson into the meeting. Professor Anderson sent back the reply that he had already met the Committee and could see no reason for meeting the students. They were therefore able to claim that the procedures being submitted to them had been worked out in advance between the Committee and Professor Anderson. But Professor Anderson's refusal must be viewed in the light of the current behaviour of the students and their supporters, notably the treatment of Professor Clarke when he had appeared at their request the previous day at a meeting on the Mezzanine.

A further example of conflict is reported in "the georgian" of January 28. When the black students stated they would boycott the meeting, Professor Adamson tried to explain that their failure to testify could result in Professor Anderson's "slate being wiped clean", or words to that effect. They chose to take this as a threat and an example of partiality rather than an attempt to reason.

The confrontation with Professor Clarke had taken place at 11 a.m. on January 19 some 2 - 300 students. The Acting Principal was subjected to heckling and abusive language when he attempted to explain the views of the Administration, its reasons and its plans for holding the Committee hearings, and finally walked out. A report of this meeting in "the georgian" of January 21 cites black accusations against Professor Anderson as well as against the Administration for attempting to smother the whole incident "by misplacing documents, trying to rig the selection of the Hearing Committee members, and by not keeping students informed of the latest developments" All this, the blacks claimed, was "a manifestation of institutionalized racism at Sir George and in Canada generally."

The administration was additionally accused, according to "the georgian", of reducing the West Indian quota from 80 to 25, and threatening to reduce it still further if agitation continued. According to "the georgian" story, fifteen students then went to Professor Clarke's office where he told them that the quota for all foreign students had been reduced because the University was turning down so many local students. They then saw Tom Swift, Director of Admissions, who denied the existence of any quotas. (This position was affirmed in a memorandum issued by the Registrar, dated January 23, which stated: "All foreign applicants who satisfy the Committee on Admissions that they have the potential to do well and who meet the specified admission requirements to the faculty of their choice are admitted." Attached statistics showed a percentage increase, despite an overall drop, in the number ^{of} accepted West Indian applications between 1967-68 and 1968-69. The rate of acceptance - 36.4 per cent in 1968-69 - compared favourably with the rate for Canadian applicants.)

The story in "the georgian" stated that the fifteen then returned to the Mezzanine to give a progress report, and the meeting ended with an appeal to all students "to demonstrate their sincerity" by attending a meeting to discuss the Anderson affair at 1:30 p.m. on January 26.

The impression that this confrontation was viewed by its organizers as a major or propaganda move is reinforced by an incident reported in the Chronicle of Events. Two black students visited Professor Adamson in his office and told him that Professor Clarke wanted him at the meeting. Professor Adamson refused to go with them unless Professor Clarke telephoned personally, and they then left his office.

Two letters dated January 20 but both received on January 23 bear on the developing attitude of the students and the tactics they had now begun to adopt.

The first, addressed to Professor Adamson, reads:

"We the black students, have rejected the decision made by you and the administration as regards the composition of the committee. Your unilateral selection of this committee is in violation of our initial agreement and as such we have no alternative but to refuse this committee.

"We are also in disagreement as to the time of the hearing and the restriction limiting the attendance at this hearing.

Yours sincerely,
Douglas Mossop for The Students"

The second letter was widely distributed with copies to: P.K. Menon, Principal D.B. Clarke, Dean Madras, Dean Flynn, Dr. McLeod, Prof. A. Adamson. It ran as follows:

"Dear Sir /Madam, You are invited to attend an open hearing on Sunday January 26th at 1:30 p.m. in room H-110 at Sir George Williams University.

The purpose of this hearing is to judge the case of Racial Discrimination involving Assistant Professor Anderson of the Biology Department and the Black Students.

After meeting with Professor Adamson, Davis, and Bayne, we are convinced that these men are incapable of judging the case impartially.

In keeping with this latest development, the black students have decided that Leo Bertley, Professor Menon and Miss Margaret St. Jour (a student) replace the above mentioned names.

Yours respectfully,
Valerie Belgrave
For Students.
Secretary Caribbean Society."

If this letter was in fact written before the confrontation in Professor Anderson's office on January 21, it raises serious doubts about the good faith of the students at that meeting. If it were written afterwards, it could still be a move in a predetermined program of action.

Professors Bayne and Davis resigned on January 22. Their letter of resignation together with the explanation that appeared in "Statement" of February 10 indicate that the January 21 meeting was their final justification for this. That they wished to resign had, however, been discussed for some days previously.

Their letter went as follows:

"Dear Professor Adamson, This is to tender our resignation, effective immediately, to the Committee set up to hear the case of the Black students against Professor Perry Anderson. It is our view that this means of moving to a solution of this problem has proved ineffective. The committee was formed in a crisis situation with no clear guidelines to follow due to the lack of any established procedure. It seemed inevitable that unless both sides could agree comfortably with the proposed procedure the question of the credibility of the Committee was bound to arise. We have now clearly reached that point. We, therefore, strongly feel that a new direction should be taken to resolve this situation. This resignation should not be interpreted as a rift within the Committee.

Additionally, this case has raised other questions regarding the role of this University vis-à-vis the total Black community which we feel obliged to concern ourselves with."

The presentation of the Bayne-Davis position in "Statement" answered the accusation that the resignations resulted from a deliberate attempt by the black students to frustrate the efforts of the Hearing Committee, and even that the two professors had acted in concert with the students. It emphasized what they described as the "conflicting roles" the Committee was asked to perform. First it had been charged with setting up a set of procedures in concert with Professor Anderson and the students. "This would not have been an impossible situation if once the primary parties had agreed, then the Committee was dissolved and a Hearing Committee comprising other individuals set up to hear the evidence." (But the letter written by the five members of the Committee to Professor Clarke on December 9 expressly accepted this situation.)

Professors Bayne and Davis went on to describe their position as follows:

"But this was not the case. Negotiating with the students who were by now very mistrustful (and we add, justly so) of everyone in the Administration or acting on behalf of the Administration proved difficult.

"As a result tempers flared on both sides. As a matter of fact, Professor Davis and Professor Bayne on one hand, and the students on the other, at one instance were engaged in a boisterous 'cuss up'. The lines were drawn... We could not see how in these circumstances the same Committee could then call itself the Hearing Committee and sit to hear the evidence, and rule in the matter after the members had been engaged in a series of confrontations with one of the parties to the complaint."

The confrontations which had occurred, and the lack of coherence in the students' position, with no one accepted as a spokesman for his fellows, had made it clear to the Administration that no agreement on membership or procedures could be reached unless the students were formally represented by legal counsel. Professor Clarke therefore wrote on January 22 to Mr. John reminding him that on December 16 the students had been advised in their own interest to engage legal counsel, and that the University would pay the cost.

INVASION OF DR. O'BRIEN'S OFFICE

Towards the end of the afternoon on January 22 Dr. O'Brien received a call from the History Department that Douglas Mossop was trying to get in touch with him. Since it seemed desirable to find out the background to this call before talking to Mossop, Mr. Sheldon, who was with Dr. O'Brien, spoke to Mossop and said he would get in touch with Dr. O'Brien and have him call back. Professor Adamson then came into the office, but he knew nothing of the reason for the call, and before Dr. O'Brien could talk to Dean Flynn a group of about eight black students and supporters burst in. They were joined shortly after by Mossop, and they now had another example of administrative stalling.

The students were in an extremely excitable mood. Apparently Dr. Abbott had that day read out to one of Professor Anderson's classes which he was taking a letter from Dr. O'Brien which referred to the students threatening violence and also assured Professor Anderson of his return to his classes within about two weeks. Dr. O'Brien stated he could not recall having written such a letter.

The students now violently denounced the racism of the University and the white community in general. They telephoned Dean Flynn to say that his presence was required, and he arrived accompanied by the Assistant Dean of Students, Jack Hopkins. They next telephoned a girl who had been present in the class, and she gave Dr. O'Brien more precise information about the letter; this eliminated the reference to Professor Anderson's return to class. Dr. O'Brien then recalled the letter, namely the one he had sent to Professor Anderson on January 6, and called his secretary to find out where it was filed. He still did not recall any reference to violence.

She indicated that Mr. Sheldon had a copy in his files - he had drafted the letter - and on Dr. O'Brien's instructions he went and fetched it. Dr. O'Brien read it to the group, who found in it full justification for their accusations, since it did mention a "risk of violence". They did not accept Dr. O'Brien's explanation that this referred primarily to possible white reaction to any demonstration they might have made against Professor Anderson's planned return to his classes. They were given a copy of the letter.

The students claimed that Dr. O'Brien should apologise to them for what they viewed as a lie on his part. He made a verbal apology. The students then stated that they wanted a written apology, and demanded that Dr. O'Brien appear at a public meeting the following day. At this point Professor Adamson said he was going to leave. There was no attempt to prevent him going; the whole confrontation had been directed at Dr. O'Brien personally. However, when Professor Adamson said he would take Dr. O'Brien with him, Kennedy Frederick laid his hand on the coat Dr. O'Brien had picked up and another student stood against the door.

Dr. O'Brien then sat at his desk with Errol Thomas standing over him, and wrote out the following statement:

"Jan 22/68 -

The black students tonight came to my office and asked about a letter I wrote to Professor Anderson, and if that letter specifically mentioned possibility of violence. I did not remember that phrase in the letter, and said it was not there. When we found the letter in the files, the phrase was there. I apologise to the black students for this misstatement.

J.W. O'Brien".

Flynn, Hopkins and Sheldon then signed as witnesses. Adamson, however, refused to sign, stating the letter had been obtained under duress, and the students insisted that Dr. O'Brien add the phrase: "I do not make this statement under duress."

After a confrontation which had taken about three hours the various people left. Later that night, after discussions with a number of members of the faculty who happened to be meeting in the Hall Building, Dr. O'Brien decided to inform the police about what had occurred, and to consult with a lawyer on whether to lay charges.

As a result, the following day Dr. O'Brien laid charges on three counts against Frederick, who had appeared to orchestrate the confrontation, Thomas and a third un-named individual. (The charges against the third man were not pursued since on reconsideration his role proved somewhat uncertain.) The charges referred to extortion of a document, unlawful confinement, and conspiracy to extort the document. At the preliminary hearing, which took place on March 6, the judge found evidence to commit the two accused to trial on the first two charges. The charge of unlawful confinement happens to fall under the same ~~chapter~~ ^{section} of the Criminal Code as kidnapping, and there was considerable bitter comment in the University on the assumed severity of the charges in relation to the actual incident.

JANUARY 23 - 25

On January 23, Professor Clarke issued a statement to the University reporting what took place in Dr. O'Brien's office. He noted that under duress Professor O'Brien had written out and signed an account of what had occurred. "Because of the atmosphere of coercion created by the language and attitudes of the students and by their occupation of Vice-Principal O'Brien's office, the matter is now under police investigation."

Professor Anderson and the complainants were informed by letter by Professor Adamson that the hearing would take place at 10 a.m. on January 26, and be open to "all members of the University community who can so identify themselves." This letter was signed on behalf of the other members of the Committee, named as follows: F.H. Knelman, J. Macdonald, M. Marsden, P.K. Menon. It had been decided that, in view of the great desirability of proceeding with the hearing and the apparent impossibility of securing the agreement of the black students to the naming of two faculty members to the committee, the Acting Principal should use his authority ~~under the statutes of the University~~ to appoint Professors Knelman and Macdonald. In a statement reporting on these plans to the University community, Professor Clarke added: "The University clearly cannot tolerate any action which would bring pressure on the committee or anybody involved in this charge, or in any way intimidate them. And I appeal to all members of the University to help maintain an atmosphere that will allow this matter to be dealt with equitably, and as expeditiously as possible."

The following day Professor Adamson formally answered Mr. Mossop's letter of January 20, pointing out that the committee, itself, did not have the right to alter its composition.

Also on January 23 Professor Clarke, Dr. Smola and Mr. Schwartz met two of the student complainants who wished to ensure that Professor Anderson's lawyer would not have the right to cross-examine. The students were told that such an agreement was not feasible.

At the end of the morning of January 23 the students called a mass meeting in the Hall Building, having distributed a copy of the apology signed by Dr. O'Brien. A number of classes were cancelled and several hundred students and faculty members attended. According to press reports, speakers attacked the way the committee had been constituted after the resignations of Professors Bayne and Davis. The following passage occurs in the Montreal Star report by Victor Steinberg:

"The students, moreover, feel the University should have contacted them and asked their suggestions for members on a committee. 'Instead they just appointed them, themselves,' Brother Butch (Mr. Leroy Butcher) said.

"Professors have always judged students,' he continued. 'Students should have the chance, as adults, to judge professors.

"There is definitely politics behind the Anderson affair. The administration is afraid to let the truth out. To defend Anderson is to defend the administr-

ation and we will not be intimidated,' he said."

Professors Bayne and Davis both spoke, dealing with the immediate issue as well as with other black problems in Montreal, and a number of black students presented their views and positions. There were strong supporters of both the students and the Administration present, but there was no actual violence. This meeting served in effect as the foundation for a strong black effort to build up support in the University community for the attack which was now directed against the Administration. In particular, "the georgian" now turned itself into an organ of the black students and their supporters.

The black position was backed vociferously by a small group of extreme left white students, known generically as Maoists, though this proved an uneasy alliance, since from time to time the Maoists denounced the blacks for being, themselves, racists. The Maoists also had their own cause - support of Assistant Professor David Orton, their acknowledged leader, whose contract was not being renewed on the advice of the Department of Sociology - and they tried to link the two 'injustices' together. The blacks, though welcoming all support, never let the Maoists or Ortonites get control of the operation.

A handful of faculty openly supported the extreme position. In addition, a larger proportion of both faculty and students felt doubts about the way the committee had finally being constituted; the facts which had led up to the resignation of Professors Bayne and Davis were not generally known. The administration, hoping that the student complainants would appear at the hearings and name a lawyer to advise and represent them, avoided any denunciatory statements on its own part. The split in opinion in the University community persisted to a varying degree through the next two weeks, with a number of members of faculty openly expressing their support for the black students, signing petitions, etc.

On January 24, Professor Clarke issued a public statement announcing that the committee would begin its hearings on January 26 at 10 a.m. "This is the only hearing committee that has authority from the University to enquire into the charge laid against Professor Anderson." The University would be closed on Monday, January 27, "to enable the Sir George Williams Association of University Teachers and the Sir George Williams University Students Associations to form a number of joint study groups to enquire into matters of vital importance to the proper conduct of the University. Notably, they will review the rights and responsibilities of both faculty and students, and ways of exercising them with justice and consideration. It is expected that these groups will produce position papers which can form the basis for general discussions within the University community that will begin on Tuesday, January 28." These ad hoc groups produced the first issue of "Statement", which was distributed in the University on January 28, and contained papers on rights and responsibilities and also a Chronicle of Events up to the first session of the Hearing Committee.

Professor Clarke wrote to Professor Adamson on January 24 regarding the handling of an appeal. The letter stated: "Any appeal against the decision of the Vice-

Principal (Academic) on recommendations forwarded to him by the Hearing Committee hearing charges against faculty members must be made within three weeks of that decision. In the event of an appeal, the Principal will establish an Appeal Committee composed of well known persons from outside the University of proven integrity." In a statement issued by Professor Clarke on January 30, he explained further: "An appeal can relate to the jurisdiction or recommendations of the Hearing Committee, or to any action based on these recommendations." And he set at three the number of members of an appeal tribunal.

*(confrontation
weekend)*

Also on January 24, the Administration rented a number of rooms at the Mount Royal Hotel. These served as administrative headquarters for handling the confrontation problem, and Professor Clarke and Dr. O'Brien in particular worked out of the hotel during much of the next two weeks. Also, rooms were taken for the members of faculty and the students to meet and prepare the various issues of "Statement". There were several reasons for this move. Certainly one of them, after the invasion of Dr. O'Brien's office, was security. But, most important, the situation now required a 24-hour control centre, and meetings regularly went on late into the night. It was much easier to maintain this kind of an operation in a hotel than in the Norris Building where the administrative offices are situated, itself some way from the main Hall Building.

In preparation for the Hearing Committee session on January 26 a meeting was held the previous day to discuss security arrangements. Most of those present were members of the Administration. In addition, there were two faculty advisers who had had experience of disruption in U.S. universities, and a police captain. A secretary kept a record of the meeting, and her quite copious notes were later distributed to those who attended. One copy of these was intercepted and appeared in "the georgian" of January 28. The emphasis on the computer centre in these notes was later given by its occupants as a major reason for their choice.

The notes clearly reveal the growing tension in the University and the Administration's concern that violence could break out. "The basic concern now is that since we have taken the initiative from the black students there is reason to believe they may change their own schedule and may move very quickly to cause a confrontation. The strategy now is based on taking the maximum precautions to prevent them from being able to have their own way."

security

The regular security staff had been reinforced, and two plain-clothesmen were permanently stationed in the Norris Building. Care should be taken to ensure that only members of the University community were admitted to the hearing. One problem was that the University hearing might not be over by 1.30 p.m. when the students' hearing was supposed to begin. "Perhaps it may be possible to get the two hearings to mesh." If the students did not turn up, however, the hearing could well be over by 1.30 p.m. It was also considered possible that the students would come to the 10 a.m. meeting, occupy much of the time presenting their evidence and then demand the room be cleared for their own meeting. Various possible actions seem to have been discussed at length. "It was decided that it

not
police
(banned)

be suggested to Professor Adamson that if the hearing is still going on near the deadline of 1.30 p.m., that he recess it until 5 or 7 p.m." There would be two plainclothesmen at the meeting and arrangements were made for police reinforcements if necessary. "Our most important objective must be to protect our plant and installations". There should also be a plain-clothes constable day and night in the Computer Centre, "as it is a very valuable piece of equipment." He would be paid for by the University. And it was decided that if the black students tried to block H-110, the committee would move to the TV studio, and the police were to be given the names of officials who could order anyone to be arrested or ejected.

THE HEARINGS BEGIN

The hearings began on Sunday, January 26, with H-110 filled to capacity. Five of the student complainants were present as well as Professor Anderson and his counsel. At the beginning Professor Adamson read out the previously distributed rules for the hearings:

1. anyone against whom evidence is given will be allowed to be present and to reply to such evidence;
2. every witness must swear or solemnly affirm that he will tell the truth, the whole truth, and nothing but the truth;
3. every witness will be a witness of the Committee and after having been questioned by the Committee or its Counsel, he may be cross-examined by all the parties to the hearing or their counsel;
4. both examination and cross-examination of witnesses will extend to all matters relevant to the enquiry;
5. should a witness manifest hostility to whoever may be questioning him, he may be cross-examined by that person;
6. witnesses may testify only as to facts of which they have first-hand knowledge, hearsay evidence will not be admitted. Nevertheless, the Chairman may at his discretion, admit evidence which has elements of hearsay, such evidence to be weighed accordingly;
7. witnesses will not be permitted to testify as to their opinions, as opposed to facts. Nevertheless, expert witnesses may be called to testify and give their opinions within the realm of their expertise;
8. the testimony and presentation at this hearing will be recorded and transcribed by a stenographer;
9. if any part of this meeting will have to be held "in camera" all parties will be allowed to be present;
10. all rulings will be made by the Chairman and such rulings will be final. He will have a general discretion to make whatever decisions he and his committee deem conducive to a fair enquiry. He will use these rules as guidelines.

Mr. Frederick then made a statement on behalf of the students. This was essentially an elaboration of a statement of position which had been distributed outside the hall. He summarised briefly the disagreement about the membership of the committee, and went on to explain why the black students "were convinced that Professor Adamson himself was incapable of judging impartially." At their second visit to Professor Adamson's office, "he explained to us that there is no doubt that we would be out of the university soon or late but he would still be here, and he admitted the fact when I suggested to him that we think the Administration of the University is placing the faculty in a very embarrassing position by putting them to judge another faculty member." Mr. Frederick repeated the complaint that: "The composition

of this hearing committee has been unilaterally decided upon by the Administration, a decision clearly not in conformity with previously agreed procedure that the members of any hearing or investigating committee be agreeable to all parties concerned. He also described the choice of 10.00 a.m. as "another flagrant violation of an earlier agreed upon time of 1.30 p.m." The black students therefore put forward the following position:

1. reiterate our rejection of this hearing;
2. request that the administration reply to our letter of January 20, 1969. (Presumably this refers to the appointment of Mr. Bertley and Miss St. Jour to the Committee. But there was no indication in that letter that an answer was expected.)
3. that the administration arrange a meeting of themselves, Professor Anderson, and ourselves to settle the composition of the hearing committee, the procedures under which any hearing committee will be conducted, and the time of such a hearing;
4. that any such meeting with the Administration will be held in an atmosphere free of all threats of reprisals or other punitive measures, juridical, educational, or otherwise."

The students prepared to leave, but they decided to wait while Professor Davis made a statement. He reviewed the original setting up of the committee. "The principle, as I see it, was established that a hearing committee set up to deal with this case should be agreeable to both parties concerned. Therefore, there is in my opinion substance to the statement which was just read by Mr. Frederick relating to the objection of the black students to the present committee as it is constituted."

After Professor Marsden had clarified the matter of his own resignation, Professor Adamson explained how the present committee had been formed: "At this point one had to make a decision as to whether the committee should simply fold, that would have been the easiest thing to do, as this is not an easy responsibility to perform. But, in my opinion, and in the opinion of Mr. Marsden and Mr. Menon, the necessity of getting this case into the open, and this is why we feel it so important to have an open meeting, excuse me, open hearing, was over-riding. We had to consider both the interests of the students and the interests of Professor Anderson, and in my opinion, and in the opinion of the two colleagues I have mentioned, this was an over-riding interest. We felt that at this point it would be impossible to form a committee which would be acceptable to both sides. Therefore, on our suggestion, but our suggestion only, because keep in mind that at any point this committee could have been dissolved, we asked the Principal to appoint two additional members. And these two additional members were Professor Knelman and Professor Macdonald."

After appealing to the students who had now left to return to the hearing, Professor Adamson declared a recess to consider the attack they had made upon it. On resumption, Professor Adamson made a statement which began as follows: "Prior to this hearing, to this recess of this hearing, a very serious charge was laid concerning the competence of the members of this hearing committee to hear the charge that has been laid before it. I can tell you now that each

member of this committee has re-examined himself and has decided that in his view he is competent to hear it. Secondly, this committee has been charged by the University to inquire into a most serious matter, and it intends to hear that matter out, and it intends to hear that matter out in the open, where, if it is in any way incompetent, its incompetence or its incredibility will be seen. And the transcript of everything that is said will be available." Professor Adamson then read from Professor Clarke's letter of January 24, announcing the appeal procedure. And the committee then went on to hear its first witness.

The next day, January 27, the black students finally met with a lawyer, Mr. Benson Douglas, a black attorney from Halifax. However, the contact proved abortive. Mr. Schwartz, as well as Professor Clarke, saw the black students and Mr. Douglas, but the students were unwilling to appoint Douglas formally to represent them, and he returned to Halifax.

In the afternoon the various faculties met to review the plan to hold teach-ins the next day, and had a rough reception. While the student representatives on the ad hoc committee which had prepared the material for "Statement" were by and large officials of the Student Association, many of the faculty representatives had been coopted by personal invitation through a nucleus of SGWAUT formation. Declared supporters of the ^{black} students found they were persona non grata. At the four meetings, particularly that of the Faculty of Arts, the right of those who had taken part in this work to represent their fellows was strongly challenged. As a result, it was decided the teach-ins would not be held. Also the Arts Faculty Council went ahead to set up two investigatory committees of its own, one to look into the charges arising from the O'Brien affair, notably because of the kidnapping misconception, the other to study generally the position of the black students. This led to a round table with the students on February 10.

The divisions in the Faculty were a source of considerable concern to the SGWAUT officers. On January 28, SGWAUT Council passed the following resolution unanimously:

"Whereas the SGWAUT Council, after an assessment of the events of the last few weeks and despite its reservations about certain of the administration's responses to the present crisis, continues to have confidence in Dr. O'Brien's capacities as Vice-Principal (Academic).

Be it resolved that a General Meeting of the SGWAUT be held as soon as possible and that at this meeting the membership be asked to give Dr. O'Brien a further vote of confidence."

Meanwhile the Students' Legislative Council passed the following resolution by an 8-4-3 vote:

"Be it resolved that:

1. the Hearing Committee as constituted be dissolved;
2. three arbitrators (either retired judges or Queen's Counsels as provided in the Code of Civil Procedures) be secured and constitute a Hearing Committee;
3. one of the arbitrators be chosen by Anderson, the second be chosen by the six Black complainants, the third be chosen by both parties."

DISRUPTION AND OCCUPATION

The Hearing Committee reassembled on the morning of January 29, and again there was a full house. The security arrangements this time were less rigid, with only the Barnes guards in evidence, not the students who had done much of the crowd control work on January 26. It was now clear that the hearings would continue for some time, and it was felt that the students could not be asked to give up ~~*course=time=~~ their courses. The complainants were now represented by Mr. Donald Oliver, another black lawyer from Halifax, who had arrived in Montreal the evening before, and the morning was taken up with legal debate.

In an opening statement Mr. Oliver took the following position: "The students were told, so I am instructed, that they would have equal voice in the composition of the Committee at the time it sat. There is not one student representative on the Committee. There is not one Black on the Committee. The Committee has been set up to hear the question that arose out of a confrontation between students and staff. We are dealing with two powers. Black power and students' power. Both of which are being denied... It is so fundamental in fact that on Sunday they deemed it advisable to leave the forum and not to stay, because they could not consent to something that was illegal and not properly set up, and which consequently had no status."

Mr. Lyon replied in the following terms: "I would submit, Mr. Chairman, to this Committee that this tribunal does not sit here to vote on the guilt or innocence of Professor Anderson who, let's face it, is here on trial. It sits here to make an impartial examination of such evidence as is brought before it, and to do its best to make an impartial finding of what the facts are, and therefore it is not in any sense a representative tribunal, and I might just point out that we on this side were not consulted about the two additional members."

Mr. Oliver then turned to another argument: "Some of the complainants, as you all know, have been charged with extremely serious criminal offences, to wit extortion, arising out of this Anderson incident. They appear in court here in Montreal on Friday morning. This is not a judicial tribunal, therefore no protection can be afforded these people if they give evidence today or tomorrow or any other day, and anything they say relating to the Anderson case or the O'Brien case can be used against them at their trials in court."

This was answered by Mr. Harvey Yarosky, counsel to the Committee: "It is my view, Mr. Chairman, that this Committee or any party to this Committee would be out of order in asking any witnesses any questions as to what happened the other night during those incidents which are subject of the criminal charges. It is my submission, Mr. Chairman, that whatever happened the other night is entirely irrelevant to the issue that this Committee has to enquire into and make findings on, namely, whether or not Professor Anderson is guilty of racism."

Mr. Oliver persisted in his opinion, and then returned to his challenge of the jurisdiction of the Committee. "We feel now that this is a fundamental matter, and it must be decided by the higher tribunal set out in the procedure for appeal." Mr. Yarosky replied: "I suggest, Mr. Chairman, that any matter of appeal would come up after the hearings have terminated, and the Committee has made its findings and recommendations."

The debate then went back to the criminal charges. Mr. Oliver stated: "Mr. Chairman, with all due respect, a statement from the Chair that they will protect the interest of anyone who says anything that may or may not be incriminating will not protect them in a criminal court."

Professor Adamson then stated that the committee would continue with its hearings. "We are most anxious to have the complainants here and to have them represented as they now are by you, by counsel, but before that goes on we must know whether you are prepared to continue." Mr. Oliver answered: "We are prepared but I just don't think that we can adequately present our case because we are going to be limited in some of the things we can say.... Either we decide that we are not going to do a full investigation and the enquiry will really be a sham, or we are going to do a full enquiry and these people are going to stand subject to serious criminal charges and perhaps imprisonment.... I wouldn't in all conscience put any one of the complainants who are subject to criminal charges on the stand."

The hearing adjourned until after lunch. Professor Adamson then made a statement ruling that the authority of the Chair had to be accepted in the proceedings, and asked Mr. Oliver whether he accepted this. Mr. Oliver stated that he could not. "My clients advise me to state that in this particular case you, the Committee, were formed by the Administration, and the only person that can tell you that you have authority on jurisdiction is the Administration. The Administration at the very beginning told the complainants that anyone who was to sit and any questions of this nature were to be worked out between the two parties; because you have not done this, my clients are not prepared to proceed with this Committee as presently constituted."

The students and their supporters in the audience then marched out of the hall, denouncing the Administration for its "police-state tactics". After they left the Committee continued to hear witnesses for another hour or so. The dissidents, numbering several hundred, then returned and took over the platform and the microphone, proceeding to use the assembly to denounce the Committee and the Administration. Finally they moved up to the ninth floor to occupy the computer centre.

That night the occupiers held a press conference stating that they would remain in the computer centre until the Administration acceded to their demands. These were presented as follows:

'1. that the Hearing Committee and its subsequent proceedings be totally and publicly rejected;

2. that the Administration arrange a meeting of themselves, Professor Anderson and ourselves to settle the composition of a Hearing Committee, the procedures under which any such hearing will be conducted and the date and time of such a hearing;

3. that any such meeting with the Administration be held in an atmosphere free of all threats of reprisals and other primitive measures, juridical, educational or otherwise;

4. that due consideration be given to those Caribbean students who have lost study time due to their brotherly devotion to this case over the last few months;

5. that all criminal charges of all Black students be dropped immediately. //

In "the georgian" of January 30 a statement by white supporting students attacked the "inept" Administration on the following grounds:

"1. the procrastination of the original accusation since April 1968;

2. refusal to comply with their original agreement for a Hearing Committee acceptable to ALL parties concerned;

3. the flagrant disregard for what amounted to "begging" for open channels of communication between students, faculty and administration;

4. A. the obscurity, confusion and aura of violence which the administration and their faculty puppets have perpetuated by escalating police security;

B. by drawing up original charges against three Black Students who did no more than verbally confront Dean O'Brien in his office;

C. by moving to suites in the Mount Royal Hotel and thereby remaining as unobtainable as possible.

Throughout this whole fiasco neither Deans O'Brien or Clarke, the Vice-Principal and Principal of Sir George has shown his face to the assembled student body. They have forced us to do this because we clearly see that all other attempts at communication with the administration have proved futile."

The choice of the computer centre for an occupation has been associated with the publication in "the georgian" of the minutes of the Administration security meeting. Some further light is thrown on the thinking of the occupying forces by the evidence given in the preliminary hearing of the case against Kennedy Frederick by Carol Ann Snarch, one of the juvenile occupiers who was arrested: "We felt we'd be safe with the computers ... As long as they were unharmed, we would be unharmed ... It's an important part of the University ... Computers are necessary for keeping things running smoothly in a large place."

In the same preliminary hearings, Mr. Henry Worrell, the University Controller, made the following statement regarding a conversation held shortly after the occupation: "I mentioned to them that I thought this was a silly move on their part and very little could be gained from it, and the answer given me by Mr. Frederick was that: "They would bring the University down to its knees, and if necessary the place would be burned!"

It is generally agreed that until the final stages of the occupation care was taken to avoid damage to the computers, temperature regulators were carefully checked and so on. The occupation was, in fact, well organized. There were committees for food, sanitation, public relations and security, the last including a system for checking people in and out, designed to prevent the infiltration of non-sympathisers. Members of faculty and others who wished to talk to the occupiers had easy access. The permissiveness with which the University treated the sit-in is made clear in the following evidence given by Miss Snarch:

Q. Miss Snarch, during the time that you were at the sit-in in the computer centre and in the faculty lounge area, did you attend lectures at Sir George Williams University?

A. Sometimes yes.

Q. To your personal knowledge, did other students at the sit-in attend lectures?

A. Yes...

Q. Were there study sessions at which you studied or discussed the courses that you had at the University?

A. Yes.

Q. Did you ever have occasion to leave the computer centre or the faculty lounge area when the building was closed ... in the evening?

A. Yes.

Q. Did you have any difficulty in leaving the closed building?

A. No.

Q. Did you at any time during the period of the sit-in have occasion to come back to the building when it was locked?

A. Yes.

Q. Were you allowed entrance?

A. Yes ... I had a pass from the security guards. I asked for permission to leave and permission to come back...

Q. And when you would return after spending the night, I presume at home, I presume you would come there in the morning?

A. Yes, or during the afternoon, I used to go home to sleep and take a bath sometimes.

FACULTY AND STUDENT OPINION

A meeting of SGWAUT Council was held on January 31. According to "the georgian" of February 3, a release prepared by Professor Arthur Lermer was issued afterwards containing the following statements: "The Council wishes the community to know that it has full confidence in the present administration's capacity to lead the University. The Council has further expressed its full confidence in the impartiality of the Hearing Committee in its hearing of the charges laid against Professor Anderson ... The Council feels that if the black students wish to reestablish that they are acting in good faith, they should make their evidence public by cooperating with the Hearing Committee when it resumes its sessions."

However, a second release was issued two hours later:

"The SGWAUT Council disavows the unauthorized statement headed 'The Position of SGWAUT' dated January 31, 4 p.m.'

The SGWAUT Council after an assessment of the past few weeks, and despite its reservations about certain of the administration's responses to the present crisis, continues to have confidence in Dr. O'Brien's capacities as Vice-Principal (Academic).

The SGWAUT Council wishes to express also its full confidence in the impartiality of the Hearing Committee in its hearing of the Anderson case.

The SGWAUT Council is deeply concerned that the rights of all parties to the present controversy within SGWU be preserved. We are firmly convinced that the only way this can be achieved is in an impartial and orderly manner consistent with due process."

On February 1 Dr. O'Brien addressed a special meeting of the faculty. He reviewed events up to the Hearing Committee sessions and detailed the principles which were guiding the University. "One is that the University will not tolerate the practice of racial discrimination within this University. Another is that these students, or any students who make a serious charge, are entitled to have their charge fully investigated. A third principle is that Professor Anderson, or any other person against whom a serious charge is made, is entitled to have a full hearing ... with the normal protections such as the advice of counsel available to him ... that he should not be expected to continue indefinitely without a resolution of the affair."

He next gave details of the appeal procedure, and described the erroneous way the problem had come to be treated as a confrontation between students and University. "It would not be possible nor would it be right for the University to attempt by some kind of bilateral arrangement with the students to resolve the issue rather, without the participation of Professor Anderson." He pointed out that the present Hearing Committee could be replaced if both parties worked out an agreement but dissolution before such agreement was not possible.

A question and answer period followed, during which O'Brien expanded on his position with regard to the three students on criminal charges. The charges were now before the court, and could be withdrawn only with the consent of the court. However, he expected them to be raised during any serious negotiations aimed at a resolution of the overall problem. "That is fine by me. It is perfectly proper that this should come in a proper way at a proper time." ("Statement" of February 3).

The meeting, attended by about 400 members of faculty, concluded with general approval of the statement: "Throughout an extremely difficult period Vice-Principal (Academic) O'Brien has acted with intelligence, courage and honour." And a standing ovation followed.

There remained a certain dissent within faculty, and it was claimed that critics of the Administration were not given a fair opportunity to voice their opinions. Seven members of faculty, one of whom had resigned, signed a document published by "the georgian" of February 4. It attacked the various editions of "Statement." "The so-called 'ad hoc group of students and faculty' which drafted the Administration's viewpoint were hand-picked people known for their unswerving allegiance to the Administration." It repudiated "Faculty meetings that are stage-managed by pro-Administration Faculty members to give support to Dr. O'Brien." And repudiated also "the completely subservient role of the Faculty company union the SGWAUT to the Administration in the Anderson affair." It concluded: "We ask all honest and principled Faculty members to stand up and denounce the above-mentioned unjust actions of the Administration. The demands of the Black students are just and moderate. They should be supported."

During the days that followed a small number of members of faculty actively encouraged the sit-ins; a larger number continued to express doubts about the legality and acceptability of the Hearing Committee.

There was a very broad spread of student attitudes. On the one hand the sit-in had 3-400 active supporters, many of whom took part in it. On the other hand there were a number of opponents who, it was rumoured, were anxious to go and clean out the occupiers. However, this never occurred and there were no significant clashes. Many of those in-between wished only that the whole issue would go away so they could pursue their studies in a calmer atmosphere.

The executive of the Evening Students Association put out a statement expressing its complete and unilateral support for the steps now being taken by the administration. "We totally reject the use of coercion in any decision-making process and we further reject the hypothesis that is now being developed which would label the entire community as racist." However, the staff of "The Paper", the ESA journal, dissociated itself from this statement. "The staff does not support the militant stand made by either the black students and the fractional groups attaching themselves in the recent escalation of events. Nor do we support the stand by administrators that manifests itself in non-communication, unilateral and arbitrary handling of situations of paramount importance." This rebuttal, published in "The Paper" of February 3, went on to express the view

that Professor Anderson should have "a fair and impartial hearing at the earliest date", but also supported the demands of the complainants to have a new procedure established. Finally it complained about the cancellation of classes and the closure of the university.

On January 30, the executive committee of the Students Association met and passed two motions. Backing off from the previous SLC position, the executive committee decided that it was "unable to make a declaration about whose side - if there are clear sides - it will endorse." It went on to urge both parties "to act in a manner which will not aggravate this situation, and further that both parties be urged to move as swiftly as possible, free of demands to reconcile the situation." On the other hand, it allocated funds to feeding the occupying students on the grounds that "it is the function of the executive committee of the Students' Association to serve the needs of its members regardless whether or not it is in complete accord of their position." This last decision was strongly criticized within the student body.

The executives of the Commerce, Engineering and Science Students' Associations all passed resolutions criticizing the composition of the Hearing Committee, and calling for establishment of a new committee. A mass student meeting on January 31 endorsed the black students' demands for a new committee, but turned down a motion to call a students' strike.

OCCUPATION OF THE FACULTY LOUNGE

On Saturday, February 1, a small group of dissident students occupied the floor of the Hall Building which houses the various student organizations. The occupation lasted for only a few hours, and was presumably called off on instructions from the leaders of the computer centre group. Meanwhile, however, phones in the offices had been used to place a number of long distance calls around the world, and the Administration gave instructions for all student organization phones to be cut off. There was a strong reaction from the organizations when they returned to their offices, but the lines were quickly reestablished. In general the occupiers conducted a vigorous campaign to secure support for their cause both inside the University and outside, appealing in particular to black or student sympathetic organizations.

On February 3 an issue of "Statement" was published, carrying on its front page a series of questions and answers about the situation. Among them was the following:

"Why were the police not called into the University when the students occupied the Computer Centre?

The University prefers to settle its problems within the University community whenever possible. Much more work needs to be done within our community to develop a consensus about events that justify recourse to the police. Until such a policy is agreed upon, the University will call the police when members of our community are faced with direct threat or intimidation or when there is a strong possibility of property damage."

"Statement" also carried a verbatim report of Dr. O'Brien's address to the faculty on February 1 and a commissioned paper entitled "The Status of the Hearing Committee" written by Professor Stanley French. Professor French came to the following conclusion: "In writing this opinion, my hope has been that those who have been making hasty judgments will now come to grips with the facts. Although there is no question about the legality of the Hearing Committee, the question of its morality is less clear ... My own opinion is that the Hearing Committee should not be dissolved, and that it should conclude its hearings and publish its findings. If subsequent events or subsequent discoveries demonstrate more clearly than is now apparent that the existence of this Hearing Committee is more unjust than just, then there is a perfectly legitimate safeguard open to all parties concerned." Professor French then quoted the Acting Principal's statement regarding an appeal tribunal.

The Hearing Committee reconvened on February 4, meeting in the television studio; proceedings were transmitted within the Hall Building by closed circuit. At midday the black students and their supporters called a new meeting on the Mezzanine, an area they had more or less taken over as their formal and informal propaganda centre. Speakers from outside the University were Rosie Douglas, an alumnus now at McGill and a well-publicized black militant, Rocky Jones, another militant from Halifax, and Stokely Carmichael's secretary, known as Sister Coco.

A video tape of this assembly was used as evidence in the preliminary hearing of the case against Kennedy Frederick. It clearly delineates the purpose and pattern of the meeting.

The first speaker recorded on the tape was Professor S. Munoz, one of the most outspoken faculty dissidents. He made the following points: "I think this is where the problem is, that people, that Administration can respond in legalistic terms but not in human terms in the sense that people make direct contacts ... And now I see that I think the basic issue has now moved into the centre of the arena, and everybody must evaluate the facts and make a decision for themselves as to where they stand. You're all involved, it's not just a few people any more."

Kelvin Robinson, a black student militant, was the next speaker: "... it was neither bungling nor incompetence, it was something consciously done. They treated us in that manner simply because we were Black students ... We want a hearing, we want a new Hearing Committee to sit down and find out, you know, listen to this thing justly, in a just manner. That's our responsibility, the responsibility of most of the students here is that the Administration has been acting in a wrong manner, and it is your duty, your moral obligation to attack that Administration, and this you have not been doing ... By copping out and saying 'Oh I want to hear both sides, I want to hear the facts', instead of doing your duty, which is to attack the Administration, you are showing the world that you are just as racist as the United States, or England, or any white people all over the world. You don't know that the chips are down ... White people, no matter how much they talk about justice, when the chips go down, and it's time to attack other white people in the name of justice, they always cop out. They always have an excuse. And the white students on this campus are acting right in character ... You have the industrial-military complex right here now. Now is the time to move against it, now is the revolution ... You white students, you can never look any Black man in the face again. Until or unless you take some action against the Administration. That is your duty. Anderson stays in the background now."

A similar line was expressed by Rocky Jones: "You see the deal has come down now where a certain part of your student body is involved in conflict with the Administration. If you wait to understand the issues, the issue will be dead ... Now we are telling you what your role is, and you make the decision to either sit or get off the pot. Now I know what most of you are going to do, you're going to leave. As long as this school remains open in terms of this particular issue, as long as there is business as usual, what in fact is happening is that whites are protecting that white society and the extension of that society, the University ... Now, you see, all that hand-clapping jive isn't going to close this University. So you can clap here all day, you can sit here all day, you've got to get out, and get down to the nitty-gritty, and do it."

Sister Coco gave her variation: "What you should concern yourselves with is

the way the University has handled the whole affair. Because that is one part of what the whole problem is; and that is, you should understand that the precedent set by the handling of this situation is going to affect, sooner or later, all of you ... We are not even asking you to judge the professor or whether he did it or not. We're asking you only to ask for a just hearing, to just hear the grievances - make up a committee agreeable to both parties - that's nothing unusual, that's all we're asking you to do. And the fact that you're not able to even do that is because you're unsure of yourselves. And I'm here to tell you that I'm sure that is because you have not recognized that you are racist, and you're activated from a racist premise."

Then came Roosevelt (Rosie) Douglas: "So when we fight racism we automatically fight capitalism, and we automatically fight that system that is exploiting every one of you, whether you believe it or not ... And when people are standing up here arguing about this, talking about legality and constitution and charges and stuff, get your mind together. This is what I am saying, you talk about charges, you ain't no judge. You ain't no judge, nobody pin no sign on your back saying 'Here come the judge'. You ain't no such thing. So I think it's time for you to make up your minds and see the issue the way it is, and back these students, because this is a student issue."

Then came the turn of the white activists. Medicoff: "Something is going on upstairs right now. If you're willing to take a stand and stop being hypocrites, stand up. Everybody stand up. Come on move. Move off your asses. Follow up upstairs, let's go." Hubsher: "Everybody, let's get upstairs. Let's take a stand now. Upstairs, up the escalator, into the cafeteria - let's move. Everybody that believes in justice, let's get off your asses and take a stand for a change. It's about time the white people in this campus took a stand one way or the other."

In his decision in the preliminary enquiry in the Frederick case Judge E.J. McManamy stated: "These speakers made it clear that the Anderson affair was now a secondary matter and the main issue was the support of the student body". And in his final argument, the University lawyer, Mr. Claude Armand Sheppard said: "We see this climax of the speakers, and ending suddenly with two co-conspirators seizing the microphone, speaking to one another. It was obvious on the video tape it wasn't such a spontaneous gesture."

An interesting interview with Rosie Douglas shortly after the occupation was testified to by Victor Steinberg, reporter with the Montreal Star, at the Kennedy Frederick hearing. He asked Douglas why, if the students claimed to have documented evidence against Professor Anderson, they did not take the case to court. "They would be willing to take it to court but they didn't wish to at that time because, as he put it, the educational situation that was set up in the University by the occupation would be lost; he said that the University community was seeing how the administration was handling their interests ... I then asked how long could the occupation go on and he said the black students and

their white backers would, I think, would exhaust every possible means in their hands not to lose their position of strength, even if we had to occupy the whole University."

The following day the white occupiers issued a statement: "Yesterday, February 4, two hundred and fifty white students and supporting members of the university liberated the Faculty Lounge, dining area and the Board of Governors' meeting room. We took this independent action to place further pressure on the Administration in meeting the five just demands of the black students. We, the members of the 7th Floor Occupation, fully support these demands and ask the Faculty to make a stand on this issue... This occupation was made to impress upon the Faculty that their present stand is unclear and uncertain. Unless the Faculty takes a stand in support of these demands, it is clearly indicated to black students and their supporters that Faculty is clearly on the side of the reactionary O'Brien and Clarke administration ... There have been several cases in the past two weeks of members of Faculty who have manifested dissatisfaction with the manner in which the administration has handled this crisis. Also, these Faculty members claim that their voices have been purposely muted by their 'own company union' ... The struggle has now clearly developed beyond a black-white confrontation. All students are now beginning to question the authority and integrity of the administration and the relationship of this institution to the society at large. When justice has been given the black students and all the five demands are met, the occupation here will end. We refuse to negotiate ... Any talking O'Brien has to do, must be done with the Black Students."

Meanwhile, the Students Legislative Council firmed up an opposing position:

"Whereas the democratic process must necessarily function in the University community; and
Whereas this process cannot function in the atmosphere created by today's events, nor by the occupation of the Students' Association offices and the subsequent removal of equipment; and
Whereas the possibility of having police called onto the campus is undesirable;
Be it resolved that the Students Legislative Council unequivocally condemn the occupation of the Faculty Club and the Students Association offices as irresponsible and disruptive acts."

This resolution was passed by a vote of 8-1-1 at a stormy meeting after the resignation of two left-wing members had been announced and four representatives of the Arts Students Association, supporters of the occupation, had walked out.

The occupation of the Faculty Club and adjoining areas seems to have been well coordinated with that of the computer centre, though it gradually developed that the whites were predominant in the former and the blacks in the latter. An interview centre was set up in the secretaries' lounge on the 7th floor for discussions with press, faculty, administrative personnel etc. The organization of the two areas was roughly parallel though the security arrangements were less severe for the Faculty Club. Again, there was no question of vandalism apart from a break-in of the liquor cabinet right at the beginning of the occupation.

? Computer
Center

NEGOTIATIONS FOR A NEW COMMITTEE AND THE SUSPENSION OF PROFESSOR ANDERSON

On February 4 the Hearing Committee completed its interrogation of immediately available witnesses, a session held in camera since the main witness wished to preserve his anonymity.

Donald Oliver had returned to Halifax, but Michael Flavell of his corresponding Montreal firm maintained contact with David Schwartz. They met on February 6, and discussed the possibility of forming a new committee consisting of persons outside the University acceptable to all parties. If agreement could be reached on this, Professor Anderson could return to his class without any further disturbance. It was also suggested that this committee would be accepted as final, and there would be no appeal from its decisions.

On the same day Dr. MacLeod wrote to Dr. O'Brien: "This is to inform you that I have discussed the situation in the Zoology 431 and Zoology 461 courses with Assistant Professor P.D. Anderson. He has reiterated his interest in returning to classes so I have agreed that he will return to his lectures on Friday, February 7, 1969.

It is my hope that the University will take any precautions that are deemed necessary."

Professor MacLeod had also been in contact with SGWAUT, and on February 7 Professor Albert Jordan, Secretary of SGWAUT, wrote him the following letter:

"The SGWAUT Council has discussed and considered your letter of February 3rd, 1969, and has come to the conclusion that Professor Anderson's reinstatement is not at issue, since there was never any legal suspension. The Council certainly continues to regard Professor Anderson as a member of faculty in good standing, and we recognize and support his right to return voluntarily to classes which he voluntarily elected not to teach.

At the same time, we would like to go on record as recommending that Professor Anderson, consistent with the intent of his original decision, continue his voluntary suspension of teaching. The Hearing Committee is about to conclude its deliberations and, on the assumption that this will be a matter of relatively short time, it would seem to us in the best interest of the University community as a whole that he should wait until the completion of their report before resuming his teaching duties."

continuing

The ~~continuing~~ negotiations were reported on in a statement issued by Professor Clarke on February 9: "Since Friday, February 7, the lawyers who represent the Black student complainants, Mr. Donald Oliver of Halifax and Mr. Michael Flavell of Montreal, have been meeting regularly with the legal representative of the University, Mr. David Schwartz, to discuss the possibility of an agreement on the future handling and the settlement of the case. Mr. Noel Lyon, the lawyer for Professor Anderson, has been advised of these discussions."

Meanwhile, however, Professor Anderson took his evening class on February 7 and the black students at once threatened violent action to prevent his further appearance the following week. This led Flavell to withdraw his representation, but on February 8 Donald Oliver finally obtained written authorization from all the complainants to negotiate on their behalf.

On February 9 Dr. O'Brien wrote as follows to Professor Anderson, with a copy to the complaining students:

"Negotiations with the lawyers of the complaining students and of the University have reached a critical stage, and at this moment your meeting with your classes is inadvisable and will definitely lead to a breakdown of negotiations which have to this point reached a stage which is promising to all of us."

After referring to the tenure policy which allowed for suspension in an emergency situation with review by an ad hoc hearing committee, Dr. O'Brien concluded:

"In as much as I feel that your appearance in class at the present moment, and until the Hearing Committee and/or the Appeal Committee have presented their recommendations, involve current harm to the University, I must instruct you that unless you voluntarily agree to stay out of class until such time, you are suspended from teaching until further notice. Your salary and other academic perquisites will continue during this period."

At the same time, Professor Clarke wrote to the students:

"This is to advise you that the University administration has carefully considered the points that you have raised (in a letter forwarded through Mr. Oliver) and has taken steps to ensure that Professor Anderson will not meet with his classes until final recommendations have been presented to the Vice-Principal, Academic.

In the meantime, it is our insistent hope that through our legal representatives we will be able to reach a solution about the matter of a hearing committee, and that in the meantime as an act of confidence and faith, the Computer Centre and the Faculty Club will be evacuated."

In his statement to the University community announcing this suspension, Professor Clarke commented: "I would like to emphasize that this act of suspension has no bearing on the charge against Professor Anderson. It is solely an administrative act undertaken in the light of the present situation." He concluded: "In the present situation it is vital that there be no forceful disruption of peace and order; the University will not tolerate action by any group which leads to such disruption and, possibly, to violence."

The final letter in this sequence was written by Mr. Lyon to Dr. O'Brien on February 19. He announced an appeal against Professor Anderson's suspension, suggesting that in view of the disrupting delays occasioned by the complainants and their supporters Professor Anderson was entitled "to the earliest possible hearing."

This letter contained the following paragraph:

"I wish to repeat that the proposal of a new committee or any alteration to the existing committee is totally unacceptable to Professor Anderson and will not under any circumstances be agreed to by him. You will recall that we agreed to appear before any committee at all only very reluctantly and on the clear understanding that it would lead to final resolution of the matter."

Mr. Lyon also qualified as untrue the reference in Professor Clarke's statement to the effect that Professor Anderson had undertaken on December 5 not to "resume teaching until his case was determined". Both Professor Clarke and Dr. O'Brien had written subsequently to Professor Anderson stating that he was free to make the choice for himself. (This seems a rather subtle distinction. Professor Anderson was free to teach because he had not been suspended, but he gave a voluntary undertaking not to teach on December 5 and again on January 6.)

FEBRUARY 10

Mr. Oliver had been in more or less continual discussion with the black students, with Mr. Schwartz maintaining contact on behalf of the University. The students now developed a set of proposals which they signed, Mr. Oliver signing as witness. This was referred to Mr. Schwartz, and on his recommendation a crucial clause was added referring to the make-up of a new committee. However, when he received this document at 2 a.m. on February 10, he undertook only to forward it to the Administration, while assuring the students that he would obtain an answer as soon as possible.

The document read as follows:

A. On condition that the administration of Sir George Williams University meet and fulfil our obligations as set forth in paragraph "B" hereof we the undersigned complainants do hereby agree to concurrently fulfil the following obligations:

1. Withdraw forthwith from occupation of the computer centre on the 9th floor of Sir George Williams University.
2. Undertake that those occupying portions of the 7th floor of Sir George Williams University shall withdraw from occupation forthwith.
3. Undertake that no violence will be directed towards Professor Perry Anderson during the negotiation of the settlement of the above affair.
4. Participate in the drafting and publication of a communique that will expressly state that negotiations are actively underway designed to create a hearing committee acceptable to both parties.

B. 1. The administration of Sir George Williams University shall seek to use its good offices to forthwith arrange to have all criminal charges laid or pending in connection with the Anderson affair withdrawn and/or discontinued forthwith. Kennedy Frederick specifically agrees that he will simultaneously herewith sign a release in favour of holding free and harmless John O'Brien from any charge of false arrest or any other charge whatsoever arising from the complaint.

2. The Administration of Sir George Williams University hereby expressly declares and undertakes that the University shall do all that is reasonably possible in the circumstances to assist black students to make up time lost in courses during hearing of the Anderson affair, and specifically, but not to limit the generality of the foregoing to extend time during which labs, assignments, and term papers must be submitted.

3. The University shall forthwith undertake to establish a new committee for hearing the charge of racism against Professor Anderson which committee shall be composed of two nominees by the black students which nominees shall be non negotiable, two from the other parties concerned non negotiable, a fifth to be negotiated by all parties concerned, with each party maintaining the right to veto of the fifth, or any other form of committee that is mutually acceptable. (This last clause was inserted on Mr. Schwartz' advice.)

4. All parties to the proposed new committee shall be chosen and approved no later than February 15th. The final hearing shall commence on or before February 29.

5. The administration of Sir George Williams University shall participate at the conclusion of the hearing in a mutual exchange of releases among all parties to ensure that no further action legal or otherwise shall emerge either as a direct or indirect result of the Anderson affair.

6. The administration of Sir George Williams University shall use its good offices to persuade Professor Anderson to submit to a form of hearing committee acceptable to the black students of Sir George Williams University as stipulated in B 3.

C. It is hereby expressly agreed by all parties hereto:

1. That time shall be of the essence.

2. That the rules, regulations, and procedure to be followed at this new hearing shall be determined by the legal counsels for parties concerned.

These proposals were handed to Dr. O'Brien, who discussed them during the day with a number of advisers and also referred them to SGWAUT Council since, in effect, they embodied a precedent in the treatment of complaints against a member of faculty opposed to the original concept of trial by peers. SGWAUT Council sought the advice of CAUT and received a reasonably encouraging answer.

at least

There developed among some of the occupiers ~~at least~~ a belief that the proposals were as good as accepted. A number, it is said, pulled out. Clean-up activities got under way and there was talk of a victory celebration. However, the proposals in fact still left unsettled the basic problem of Professor Anderson's acceptance of what could well amount to a new trial. Although they did not specifically call for dissolution of the old committee, they did refer to the establishment of a "new committee". The only way this could be made acceptable to Professor Anderson was for the concept of a hearing committee to be merged in some way with that of an appeal tribunal, and this dilemma was very much in the minds of the University personnel studying the proposals.

The solidity of the students' belief that all was now on the point of settlement can also be questioned on the basis of discussions at the round table sponsored by the Arts Faculty on the afternoon of February 10. An interview with Professor Frank Chalk was published in "the georgian" of February 19. Referring to the negotiability of the proposals, he said: "On Monday afternoon the Arts Faculty sponsored Round Table discussion featuring six members of the occupation including Douglas Mossop, Rodney John, Ronald Ambrose and Roosevelt Douglas. I asked the students if their proposals were open to further negotiation. One of the students confirmed this and quoted a clause from their proposal which explicitly declared that further negotiations were contemplated.... Neither Roosevelt Douglas nor the other students at the Arts Faculty Round Table on Monday contradicted their brother when he said that the proposals were negotiable."

SGWAUT Council submitted a draft reaction to the proposals at 10.30 p.m., noting that it had to be ratified at a special meeting at 1.30 p.m. the following day. To quote from a statement issued by Professor Clarke on February 14: "The Council said it was encouraged by the fact that the students were making concrete proposals for the formulation of a new committee. To dissolve the existing hearing committee without mutual agreement on its replacement would be a violation of Professor Anderson's rights, but the Council believed that discussions could still take place about the constitution of a further committee. It suggested that there be three jointly appointed members, rather than one, since experience has shown that it should be easier to obtain mutual agreement on this basis. Also, if a formula acceptable to all parties were found, there should be a seven-day time limit for naming new members, with the Principal making the appointments should no agreement be reached."

Concurring that there was a reasonable basis for further negotiations, Dr. O'Brien outlined these views to Mr. Schwartz, who telephoned them to Mr. Oliver at 11.45 p.m. Shortly afterwards Mr. Oliver spoke to someone in the computer centre, presumably relaying this message and making an appointment with his clients the next morning.

FEBRUARY 11

By the afternoon of February 11 the computers had been destroyed and a fire, endangering many lives, had caused widespread damage. There had also been extensive other damage caused by the rampaging occupiers. Of the 97 people arrested in the computer centre 69 were SGWU students and 55 were white.

The final cause of the outbreak has been the subject of considerable debate. The occupiers and their supporters claim it was a spontaneous reaction to a breakdown in negotiations, to a final act of treachery by the Administration under SGWU pressure, and also deny responsibility for the fire. In his decision Judge McManamy makes the following pertinent comment: "There is a strange reluctance on the part of certain witnesses to admit that any of the occupying group acted as leaders and they state that everything was decided through agreement by the occupants, among whom are the accused and all the co-conspirators named in this case, but the evidence is to the effect that it is the same small group of less than 10, who appear to give the leadership in the various incidents involving group action."

A Canadian University Press despatch by Elly Alboim, who reported from the occupied area, contained the following passage: "Nine days after the computer centre was seized and two days after students took over the Faculty club, the two occupations were being centrally controlled by a joint executive committee of eight members drawn from the two sites to co-ordinate all action and policy."

In this connection the evidence of two students appears significant. V. Dowie had taken part in the occupation but was not among those arrested. He stated: "There had been a decision earlier in the night to occupy some part of the building. It was either to be the entire building or from the seventh floor up... There had been a meeting up in the Computer Centre earlier in which everyone who is taking part of the occupying force ... I imagine it would have been around one o'clock."

Anne Carol Snarch stated that she went to the computer centre from the faculty lounge where she was normally stationed at about 2 a.m. to discuss the breakdown of negotiations. At 4 a.m. she left the computer centre in order to put her books and some clothes in a locker on the eleventh floor. The purpose, she said was "so they would not get lost ... We were expecting trouble ... We didn't know what the administration might do, we were scared they might call in the police ... Or the Riot Squad."

The University attorney questioned her:

Q. Was there any decision or any policy or plan or whatever you call it in existence concerning what would happen if the police would come in?

A. At the beginning the plan was we would ... you see we would never enter the computer centre at all, we were not allowed to. If the police moved in we

were ... we would go into the computer room and the police we thought would not come in because they would not want ... the administration would not want the computers damaged and by the police coming in the plan had been that we would be around the computers, any smashing the police would have done themselves. That had been the policy."

In addition, the following notes in Kennedy Frederick's handwriting were found in his briefcase after the fire: "They expect action on the 12th Floor. Therefore the Computer (Records). easier to handle. Blacks inside - Whites in the hallway. Once inside, what's to be done. Sit in - Do not touch anything. If police comes and attack, then destroy all machines. Make sure when one gets arrested all must get arrested. Apart from white screening in Hallway let some of the bolder whites take over boiler room (maintenance control)."

From the evidence given at the Frederick preliminary hearing there was some unusual activity on the upper floors of the Hall Building about 1.30 a.m., but the first overt action occurred an hour later when a small group of occupiers came down to the main lobby, apparently with the intention of taking over the whole building. But they changed their mind when a police patrol arrived and the only concrete result of this foray was to cut the guard's telephone. At 3.30 a.m., however, the occupiers began to barricade the approaches to the 7th floor by throwing cafeteria furniture down the stair-wells and escalators, and some time later turned on the fire hoses. When the police arrived at about 4.30 a.m. some of the occupiers were seen parading about with fire axes, others with fire extinguishers, and by this time cafeteria and kitchen equipment had been damaged with axes.

The force of local police, who had been summoned by a representative of the Administration, were able to remove the barricades, and pass through a water barrage. The hoses were turned off, and the occupiers withdrew to the 9th floor. A small group of police, using the back stairs, actually entered the computer centre and removed a collection of fire axes which had been gathered there, but did not consider they had the authority to remain and withdrew. Immediately afterwards the occupiers, who had now collected in the computer centre area, began to barricade it. When the police attempted to re-enter they were opposed by force: bottles and other missiles were thrown, two were injured and they desisted. The occupiers shouted: "If you don't go, we will break all the computers." A second attempt to reenter the computer centre was also repelled.

It is significant that a number of the policemen who were in the computer centre and spoke to occupiers recalled in testimony threats to the computers, notably the phrase, "Every hour that you stay here we will break one more computer."

In his decision Judge McManamy commented: "The barricading of the Computer Centre must have been through a pre-arranged plan, and while any or all of the occupants were free to leave the Computer Centre at any time, they all decided to remain there, through the succeeding events, and this decision was in keeping with their

repeated statement that everything they did was arrived at through decisions they made during the meetings of the occupants, where everything was discussed in general assembly and plans were made to carry out their activities by way of a common or group action."

At about 7 a.m. the occupiers began to throw out of the 9th floor windows computer equipment of various kinds, tapes, IBM cards and telephones. Judge McManamy commented: "This destruction, apparently for destruction sake, is open to many interpretations, but in view of the fact that the occupants were under no pressure from the Police at the time, this public demonstration at that hour of the day must have a special significance with regard to the administration.

"This inference is based on the acts and threats made from the beginning of the occupation of the Computer Centre by the accused and his co-conspirators.

"The long history of the events from January 29th to the 11th February shows each event was planned in advance and escalated and executed to bring additional pressure on the administration.

"Another inference which seems logical under the circumstances was to try to incite what a student witness called the right wing students, to storm and evacuate the student occupants...

"This also brings about a very reasonable inference that such planning and execution must be the work of experienced activists who had influenced their followers to say with one united voice, we are all equally responsible, we have no leaders, we make our common decisions in all these matters."

That the computer centre had to be cleared was implicit in the decision of the Administration to call in the police. However, action was delayed for some hours because it had become apparent that only the properly equipped Riot Squad could do the job, and this entailed rather lengthy discussions concerning the legal bases on which the operation would be carried out. Also the Administration decided that further negotiations with the occupiers through either senior or legal representatives would no longer serve any useful purpose; on being informed that violence had broken out, Mr. Oliver had told his clients that he had ceased to represent them. At about 9 a.m. according to "The Paper" of February 11, Professor Davis spoke to the occupiers and warned them about the danger of what they were doing, and the possibility of someone being hurt or killed. They called on him to "get us O'Brien", but Professor Davis was unable to fulfil this mission.

The Riot Squad arrived on the 9th floor at about 12.30 p.m. with instructions to remove the occupiers, and began to take down the barricades. However, as Lieutenant Forrest, in charge of the squad, testified, "The evacuation of the students was by smoke and fire."

Bernard Peclat, the arson expert of l'Institut de Médecine légale et Police scientifique, has testified to the presence of at least three separate seats of fires in the computer area and possibly four. This testimony, Judge McManamy commented, "is important, since it appears that these locations were not chosen

in a haphazard way, but deliberately placed along the west wall of the Computer Centre and so provided a relatively safe means of exit to the occupants through the North East rooms of the Computer Centre and into the Eastern section of the 9th floor." Some of the occupiers have maintained that they were locked into a back room of the computer centre for some time before the fires broke out. Yet they had no difficulty getting out of that room to surrender to the police as soon as they decided to do so.

The SGWU students who were arrested and charged received a letter from the Acting Principal informing them that they were suspended "until final disposition of all criminal charges presently laid or to be laid against you in connection with the forcible occupation and destruction of the university property." In a statement on suspensions issued on March 24, Professor Clarke wrote: "The University would have been justified in expelling students at the time and on the scene of the commission of serious offences which endangered human life. All of them had ample opportunity to withdraw during the early hours of Tuesday, February 11, and all of them were charged with participation in the same criminal offences. However, concerned not to prejudge the accused while taking action necessary to preserve safety and order, the University decided rather to effect their immediate administrative suspension."

On February 12, Dr. O'Brien wrote to Professor Anderson: "Since the circumstances leading to your suspension have now changed, your suspension from teaching your classes is hereby cancelled."